

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RICHARD C. SIMMONS,

Petitioner,

vs.

JAY CASSADY,

Respondent.

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Case No. 4:14CV01378 AGF

**MEMORANDUM AND ORDER**

This matter is before the Court on two motions filed by Petitioner for appointment of counsel. There is no constitutional right for a pro se habeas petitioner to have counsel appointed, although the Court has discretion to appoint counsel when necessary. *Morris v. Dormire*, 217 F.3d 556, 558 (8th Cir. 2000). Among the factors a court should consider in making this determination are the factual and legal complexity of the case, the ability of the petitioner to present the facts and his claims, and the degree to which the petitioner and the Court would benefit from such an appointment. *Id.* Upon review of the record, the Court does not believe that the appointment of counsel is warranted here.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner’s motions for appointment of counsel are **DENIED**. (Doc. Nos. 2 and 5.)

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 22<sup>nd</sup> day of October, 2014.