

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DARRELL WALKER,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:15CV00606 AGF
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on several motions filed by habeas Petitioner Darrell Walker. Petitioner filed this action pro se under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence of 46 months’ imprisonment imposed on May 22, 2014, upon his guilty plea for being a felon in possession of a firearm.

Petitioner’s motions for appointment will be denied. There is no constitutional right for a pro se habeas petitioner to have counsel appointed, although a court has discretion to appoint an attorney 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 present 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 necessary at this stage of the proceedings.

Petitioner's two motions for summary judgment will also be denied. These motions were filed before the government filed its response to the Court's Order to show cause why habeas relief should not be granted. Petitioner argued that he was entitled to judgment in light of the delay in the government's response. The government was granted extensions by the Court to file its response. The response has now been filed, and Petitioner filed a reply. The matter is properly before the Court for its consideration.

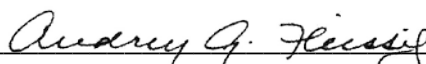
Lastly, Petitioner filed a motion for the Court to send him certified documents in the underlying criminal case (the charging complaint, the PSR, the judgment of commitment, and a transcript of the sentencing hearing). These are all documents Petitioner can obtain from his appointed counsel in that case. Petitioner has not asserted that he requested these documents from counsel and his request was denied.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's motions for appointment of counsel are **DENIED**. ECF Nos. 11 and 18.

IT IS FURTHER ORDERED that Petitioner's motions for summary judgment are **DENIED**. ECF Nos. 8 and 15.

IT IS FURTHER ORDERED that Petitioner's motion for production of certified documents is **DENIED**. ECF No. 12.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 31st day of August, 2017