

state court records are necessary. Accordingly, the court will deny Petitioner's requests for an evidentiary hearing, discovery, and additional state court records. The court will reconsider Petitioner's Motions if, following review of the record in this matter, the court determines that an evidentiary hearing, discovery, and additional state court records are necessary.

II. Motion to Appoint Counsel

Petitioner has asked for the appointment of counsel in this matter. "There is neither a constitutional nor statutory right to counsel in habeas proceedings; instead, [appointment] is committed to the discretion of the trial court." [McCall v. Benson, 114 F.3d 754, 756 \(8th Cir. 1997\)](#). As a general rule, counsel will not be appointed unless the case is unusually complex or the petitioner's ability to investigate and articulate the claims is unusually impaired or an evidentiary hearing is required. *See, e.g.,* [Morris v. Dormire, 217 F.3d 556, 558-59 \(8th Cir. 2000\)](#), *cert. denied*, 531 U.S. 984 (2000); [Hoggard v. Purkett, 29 F.3d 469, 471 \(8th Cir. 1994\)](#) (citations omitted). *See also* Rule 8(c) of the [Rules Governing Section 2254 Cases in the United States District Courts](#) (requiring appointment of counsel if an evidentiary hearing is warranted.) The court has carefully reviewed the record and finds that there is no need for the appointment of counsel at this time.

IT IS THEREFORE ORDERED that: Petitioner's Motion for Miscellaneous Relief (Filing No. [24](#)), and Motion to Appoint Counsel, Allow Discovery, and Grant an Evidentiary Hearing (Filing No. [25](#)) are denied without prejudice.

DATED this 14th day of August, 2013.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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