

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Steven A. Swan

v.

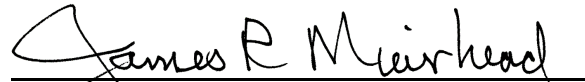
Civil No. 06-cv-404-PB

United States of America

ORDER

Re: Document No. 3, Motion to Appoint Counsel

Ruling: Denied without prejudice to refile if an evidentiary hearing is warranted. See Rule 8(c) 2255 Proceedings. Since the basis for the petition is straight forward and based upon factual allegations not legal propositions, counsel is not necessary at this point. I exercise my discretion, therefore, to deny appointment of counsel at this time. See 18 U.S.C. § 3006A.



James R. Muirhead
U.S. Magistrate Judge

Date: November 17, 2006

cc: Steven A. Swan, pro se
William E. Morse, Esq.