

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Walter Hutchinson, Jr.

v.

Civil No. 12-cv-376-JL

Warden, New Hampshire State Prison

O R D E R

Before the court is Walter Hutchinson's motion to appoint counsel (doc. no. 6) in his pending habeas action in this court. Respondent has not objected. Hutchinson seeks court-appointed counsel on the grounds that he is indigent.

"[T]here is no constitutional right to representation by counsel in habeas corpus proceedings,' and [the CJA] only requires appointment of counsel for a financially eligible person if 'the interests of justice so require.'" United States v. Yousef, 395 F.3d 76, 77 (2d Cir. 2005) (per curiam) (citation omitted). In civil cases, indigent plaintiffs are not entitled to counsel, unless they show that there are extraordinary circumstances, such that a denial of counsel is likely to result in fundamental unfairness. DesRosiers v. Moran, 949 F.2d 15, 24 (1st Cir. 1991). The rules governing federal habeas proceedings similarly do not require counsel's appointment for indigent petitioners unless the court finds that an evidentiary hearing

is warranted. See Rules Governing Section 2254 Cases in the United States District Court, R. 8(c).

As to the interests of justice and fundamental fairness, the court notes that Hutchinson's filings in this matter have been cogent and clear. Hutchinson has demonstrated an ability to assert meaningful arguments in writing, and to cite pertinent facts and authority to support his contentions.

No hearing is presently scheduled or anticipated in the near future. Therefore, the interests of justice and fundamental fairness do not require appointment of counsel at this time. Accordingly, the court denies the motion to appoint counsel (doc. no. 6), without prejudice to refiling if a hearing is scheduled in this case, or if Hutchinson can otherwise show that his circumstances warrant such an appointment.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

August 7, 2013

cc: Walter Hutchinson, Jr., pro se
Elizabeth C. Woodcock, Esq.

LBM:jba