

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

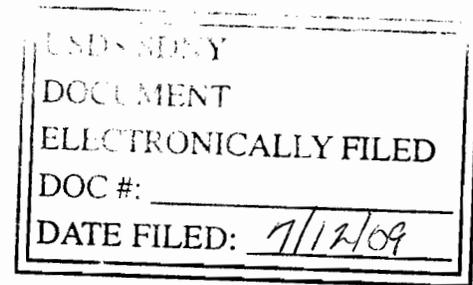
JERMAINE JERNIGAN,

Petitioner,

- against -

WILLIAM H. BROWN, SUPERINTENDENT,

Respondent.



08 Civ. 9289 (JGK)

MEMORANDUM OPINION
AND ORDER

JOHN G. KOELTL, District Judge:

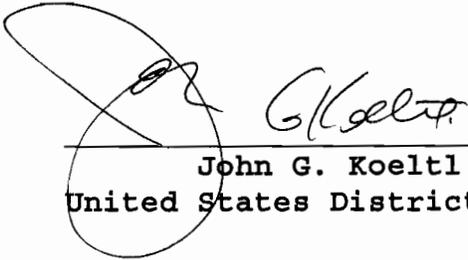
The petitioner has filed a motion for the appointment of counsel. The motion is denied without prejudice. For the Court to request counsel for the petitioner, the petitioner must, as a threshold matter, demonstrate that his claim seems likely to be of substance. See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986); see also Davidson v. Mann, 129 F.3d 700, 702 (2d Cir. 1997). The petitioner has not shown that his claim is likely to be of substance. Therefore, the application for appointment of counsel is **denied without prejudice**.

The petitioner has also requested an extension of time to reply to the respondent's opposition to the petition for a writ of habeas corpus. That request is **granted**. The petitioner may

submit any reply to the respondent's opposition to the petition for a writ of habeas corpus by **August 14, 2009**.

SO ORDERED.

**Dated: New York, New York
July 13, 2009**



**John G. Koeltl
United States District Judge**