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FOR THE SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA)

v.)

Case #22-cv-06456

CARLOS SMITH PITTERSON)

MOTION TO APPOINT COUNSEL

Pursuant to the United States Constitution and 28 U.S.C. §1015 I, Carlos Smith Pitterson, Defendant in the above styled action, declare under penalty of perjury that I am unable to pay costs associated with these proceedings and that I am entitled to the relief requested. I further declare that all information contained herein is true and correct.

Respectfully submitted,



Carlos Smith Pitterson
#76307-054
F.C.I. Fort Dix
P.O. Box 2000
Joint Base MDL, NJ 08640

Dated: September 13, 2022

Request DENIED. A petitioner in a habeas proceeding has no constitutional right to counsel. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). A district court may appoint counsel for a financially eligible person if "the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). Having reviewed the record, including the opposition memorandum filed by the United States of America ("USA") (ECF No. 11), the Court finds that the interests of justice do not warrant an appointment of counsel to advance Petitioner's Section 2255 motion. Thus, the Court denies Petitioner's request for appointment of counsel. No later than December 31, 2022, Petitioner may reply to the USA's opposition memorandum. If Petitioner fails to reply, I shall base my recommendation upon the existing record.
SO ORDERED.

Dated: November 18, 2022 