

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

GERALD HAND,

:

Case No. 2:07-cv-846

Petitioner,

-vs-

District Judge Sandra A. Beckwith
Magistrate Judge Michael R. Merz

MARC HOUK, Warden,

Respondent.

:

DECISION AND ORDER DENYING MOTION FOR SUBSTITUTE COUNSEL

This capital habeas corpus case is before the Court on Petitioner's renewed Motion to Dismiss Counsel and appoint substitute counsel (Doc. No. 109).

As the Court has advised Petitioner before, he is not entitled to appointed counsel of his choice on this case. The attorneys the Court has appointed are very competent and have represented Mr. Hand zealously. The most recent example is their very thorough set of Objections (Doc. No. 108) to the Magistrate Judge's Report and Recommendations on the merits (Doc. No. 101).

On the other hand, the examples Petitioner gives of a purported "breakdown" in communications are not convincing. In particular, Petitioner is not entitled to have \$10,000 worth of copying work done at public expense.

Petitioner has the right to discharge counsel and proceed *pro se*, provided the Court determines that he is competent to do so. But he does not have the right to insist on appointment of substitute counsel who would obviously require hundreds of hours of time just to read the record

in this case.

The Motion to Discharge present counsel and appoint substitute counsel is denied.

July 12, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge