

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

PABLO G. CABRERA,)
)
 Petitioner,)
)
 v.)
)
ANITA TRAMMELL, Warden,)
and I.N.S.,)
)
 Respondents.)

No. CIV 11-151-FHS-KEW

OPINION AND ORDER
DENYING MOTION FOR APPOINTMENT OF COUNSEL

Petitioner has included as part of his petition for a writ of habeas corpus a request that the court appoint counsel.¹ He bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court has carefully reviewed the merits of petitioner’s claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering petitioner’s ability to present his claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *See also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

ACCORDINGLY, petitioner’s request for appointment of counsel is **DENIED**.

¹ Petitioner is advised that each request for relief should be presented in a separate motion, pursuant to Local Civil Rule 7.1(c).

IT IS SO ORDERED this 1st day of February, 2012.


Frank H. Seay
United States District Judge