

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

JASON SCOTT SMITH,)	
)	
Petitioner,)	
)	
v.)	No. CIV 18-393-JHP-KEW
)	
JEORLD BRAGGS, Warden,)	
)	
Respondent.)	

OPINION AND ORDER

On February 14, 2019, the Court received a letter from Petitioner, which was construed as a notice of change of address, a request to change the respondent, and a motion for appointment of counsel (Dkts. 19, 20).¹ The Court grants Petitioner's requests to correct his address and to change the respondent to Jeorld Braggs, Warden. *See* Rule 2(a) of the Rules Governing Section 2254 Cases; *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 494-95 (1973) (a petitioner's custodian is the proper respondent). The Court Clerk is directed to make the requested changes in the Court's records.

Regarding Petitioner's request for appointment of counsel, he alleges the law library at his facility is very limited compared to his previous facility, and access to the library is allowed only one day a week. He bears the burden of convincing the Court that his claim has sufficient merit to warrant such appointment. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)).

¹ The Court advised Petitioner in its minute order entered on February 14, 2019 (Dkt. 20) that pursuant to Local Civil Rule 7.1(b), [e]ach motion, application, or objection filed shall be a separate pleading, except where alternative pleading is allowed by law or these Rules." All future filings should comply with this rule.

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, Plaintiff's requests to correct his address to Lexington Correctional Center and to change the respondent to Jeorld Braggs, Warden, are GRANTED. His request for appointment of counsel is DENIED.

IT IS SO ORDERED this 27th day of February, 2019.


James H. Payne
United States District Judge
Eastern District of Oklahoma