
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

MICHAEL ROY PARKINSON,
Petitioner,

v.

STATE OF UTAH,
Respondent.

MEMORANDUM DECISION & ORDER

Case No. 2:16-CV-152-DN

District Judge David Nuffer

Petitioner, Michael Roy Parkinson, moves for appointment of an attorney to represent him free of charge.

Petitioner has no constitutional right to appointed pro bono counsel in a federal habeas corpus case.¹ Moreover, because no evidentiary hearing is required here, Petitioner has no statutory right to counsel.² However, the court may in its discretion appoint counsel when "the interests of justice so require" for a "financially eligible person" bringing a § 2254 petition.³

The court has reviewed the filings in this case and determines that justice does not require appointed counsel at this time. First, it is yet unclear that Petitioner has asserted any colorable claims.⁴ Second, Petitioner has shown "the ability to investigate the facts necessary for [the]

¹See *United States v. Lewis*, No. 97-3135-SAC, 91-10047-01-SAC, 1998 WL 1054227, at *3 (D. Kan. December 9, 1998).

²See Rule 8(c), R. Governing § 2254 Cases in U.S. Dist. Courts.

³See 18 U.S.C.S. § 3006A(a)(2)(B) (2017).

⁴See *Lewis*, 1998 WL 1054227, at *3; *Oliver v. United States*, 961 F.2d 1339, 1343 (7th Cir. 1992).

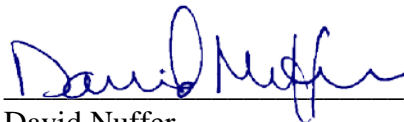
issues and to articulate them in a meaningful fashion."⁵ Finally, the issues in this case appear "straightforward and not so complex as to require counsel's assistance."⁶ The Court thus denies for now Petitioner's motion for appointed counsel.

IT IS HEREBY ORDERED that Petitioner's motion for appointed counsel is DENIED.⁷ However, if it later appears that counsel may be needed or of specific help, the Court may appoint an attorney to appear on Petitioner's behalf.

IT IS FURTHER ORDERED that Petitioner's motion for copies is GRANTED as a one-time courtesy.⁸ In the future, if Petitioner wants copies of his own papers, he must make arrangements at the prison or hand-copy them for his own benefit.

Signed April 7, 2017.

BY THE COURT



David Nuffer
United States District Judge

⁵*Lewis*, 1998 WL 1054227, at *3; *Oliver*, 961 F.2d at 1343.

⁶*Lewis*, 1998 WL 1054227, at *3; *Oliver*, 961 F.2d at 1343.

⁷(*See* Docket Entry # 22.)

⁸(*See* Docket Entry # 28.)