
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

THOMAS RAY GURULE,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

Case No. 2:21-cv-00344-DN
(Criminal No. 2:04-cr-209-PGC-1)

District Judge David Nuffer

Movant Thomas Ray Gurule seeks the appointment of counsel in this case brought under [28 U.S.C. § 2255](#) (“Motion”).¹ There is no constitutional or statutory right to the appointment of counsel in § 2255 proceedings, unless an evidentiary hearing is held.² Nevertheless, counsel may be appointed when “the interests of justice so require” for a “financially eligible person” seeking relief under § 2255.³

After review and consideration of Mr. Gurule’s filings, justice does not require the appointment of counsel. Briefing on Mr. Gurule’s § 2255 Motion is now complete.⁴ Mr. Gurule has shown an “ability to investigate the facts necessary for [the] issues and to articulate them in a

¹ Motion for Appointment of Counsel, [docket no. 3](#), filed June 2, 2021.

² *Paul v. United States*, 2006 WL 314563, *1 (D. Utah Feb. 9, 2006); Rules Governing Section 2255 Proceedings for the United States District Courts 8(c).

³ [18 U.S.C. § 3006A\(a\)\(2\)\(B\)](#).

⁴ Motion for Authorization to File a Second or Successive Motion to Vacate, Set Aside or Correct Sentence Under 28 U.S.C. § 2255 by a Prisoner in Federal Custody (“§ 2255 Motion”), [docket no. 1](#), filed Nov. 27, 2019; United States’ Response to Motion to Vacate Under 28 U.S.C. § 2255, [docket no. 5](#), filed July 14, 2021; Reply to Government’s Motion to Respond to Vacate, Set Aside, or Correct Sentence to 28 U.S.C. § 2255, [docket no. 12](#), filed Nov. 8, 2021.

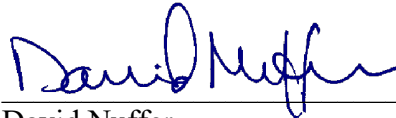
meaningful fashion.”⁵ The issues Mr. Gurule raises are also “straightforward and not so complex as to require counsel’s assistance.”⁶ And an evidentiary hearing on the § 2255 Motion will be unnecessary.

ORDER

THEREFORE, IT IS HEREBY ORDERED that Mr. Gurule’s Motion for Appointment of Counsel⁷ is DENIED.

Signed November 18, 2021.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge

⁵ *United States v. Lewis*, No. 97-3135-SAC, 1998 WL 1054227, *3 (D. Kan. Dec. 9, 1998); *Oliver v. United States*, 961 F.2d 1339, 1343 (7th Cir. 1992).

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

⁷ *Docket no. 3*, filed June 2, 2021.