

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
DEC 04 2006
JOHN F. CORCORAN, CLERK
BY: *S. Wilson*
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JONATHAN CRAWFORD,)
)
Petitioner,) Civil Action No. 7:06cv00713
)
v.) MEMORANDUM OPINION
)
DIRECTOR OF VADOC GENE)
JOHNSON,)
)
Respondent.) By: Samuel G. Wilson
United States District Judge

Jonathan Crawford made a request to the court initially construed as a petition pursuant to 28 U.S.C. § 2254 challenging Crawford's conviction in the circuit court for the County of Mecklenburg, Virginia of rape and malicious wounding. Crawford previously filed a § 2254 petition in the United States District Court for the Eastern District of Virginia challenging his conviction. That court denied his petition, Crawford v. Johnson, 2:04 cv 725 (2006), and Crawford did not appeal. Consequently, if Crawford were seeking § 2254 relief, Crawford's petition would be an unauthorized successive petition, and the court would be required to dismiss it on that ground. In hindsight, however, the court now concludes that Crawford is simply moving the court to appoint counsel to assist him in the preparation of a habeas petition and denies his motion because he has failed to demonstrate a sufficient reason for the appointment of counsel.

ENTER: This December 4, 2006.



UNITED STATES DISTRICT COURT