


JUL 19 2016

JULIA S. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MARSHALL DEWAYNE WILLIAMS,)
Plaintiff,)
v.)
WARDEN,)
Defendant.)

Civil Action No. 7:16-cv-00299

MEMORANDUM OPINION

By: Hon. Michael F. Urbanski
United States District Judge

Marshall DeWayne Williams filed a document titled, "In re: Parole Application, Motion to Enlarge Authority of the Federal Public Defender Office to Protect Petitioner's Constitutional Rights as Required by Law." The court conditionally filed the request, advised Williams that the court construed the request as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, and granted Williams the opportunity to object to that construction. Presently before the court is Plaintiff's objection and motion for an extension of time for the Office of the Public Defender to enter an appearance and investigate Williams' claims.

As a consequence of Williams' objection, the court will not treat the motion to appoint the Federal Public Defender as pursuant to 28 U.S.C. § 2241 but as a motion to appoint counsel in this civil case.¹ Williams' motion to appoint the Federal Public Defender is denied as Williams no longer has a constitutional right to counsel. See Pennsylvania v. Finley, 481 U.S. 551, 555 (1987) ("The right to appointed counsel extends to the first appeal of right, and no further."); cf. 18 U.S.C. § 3006A(a). Williams' motion for an extension of time is denied as moot.

ENTER: This 19th day of July, 2016.


United States District Judge

¹ Although Williams is housed within this district, he was not sentenced by this court.