

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JUAN A. SANCHEZ-TORRES,
Petitioner,

v.

Case No. 09-C-0715

**JUDY P. SMITH, Warden, Oshkosh
Correctional Institution,**
Respondent.

ORDER

Juan A. Sanchez-Torres filed this petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction was imposed in violation of the Constitution. On May 27, 2010, I denied respondent's motion to dismiss the petition and also denied petitioner's motion for appointment of counsel on the ground that he had not made a reasonable attempt to secure counsel on his own. On June 28, 2010, petitioner renewed his motion for appointment of counsel, indicating that he had unsuccessfully solicited representation from several attorneys. In light of these attempts, I am satisfied that petitioner had made a reasonable attempt to secure counsel on his own, and so I now consider whether petitioner appears competent to litigate this case himself. Pruitt v. Mote, 503 F.3d 647, 654 (7th Cir. 2007) (en banc).

This habeas case involves only a review of the record developed in state court, and petitioner will not need to conduct discovery on his own and will have the benefit of the briefs filed during his state appeal. I thus conclude that, as far as habeas cases go, this one is not difficult. Further, petitioner cogently addressed the merits of his claims in his brief in opposition to respondent's motion to dismiss. Even though petitioner failed to fully

address the procedural issues raise respondent's motion, he at least demonstrated that he understands the merits of his claim and is able to present his arguments to the court. I therefore find that, given the difficulty of the case, petitioner appears competent to litigate it himself.

THEREFORE, IT IS ORDERED that petitioner's motion to appoint counsel is **DENIED**.

Dated at Milwaukee, Wisconsin, this 2 day of July, 2010.

/s _____
LYNN ADELMAN
District Judge