

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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STEVEN ALAN MAGRITZ,

Petitioner,

ORDER

v.

06-C-0590-C

DEIRDRE MORGAN, Warden,  
Oakhill Correctional Institution,

Respondent.

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Petitioner Steven Alan Magritz has filed a motion for the appointment of counsel. As a preliminary matter, on the basis of petitioner's assertion that he has no income or assets, I find that he is indigent for the purpose of retaining an attorney to assist him. When considering a request by an indigent civil litigant for the appointment of counsel, the court must consider the difficulty of the case in relation to the petitioner's ability to represent himself, and whether counsel might make a difference to the outcome. *See Farmer v. Haas*, 990 F.2d 319, 322 (7th Cir. 1993).

Having considered these factors, I am denying petitioner's motion. The primary basis for petitioner's claim that he is in custody in violation of the laws or Constitution of the United States is his contention that the trial court lacked subject matter jurisdiction over him. That contention appears to flow from petitioner's determination that he is a "Wisconsin National" over whom the state court system had no authority absent petitioner's

consent. Petitioner's claim based on his unique world view is so lacking in merit that appointing a lawyer would be a waste of judicial resources.

Although petitioner has asserted other claims that might have more merit, it is unlikely that this court will consider those claims because of petitioner's apparent failure to properly pursue and exhaust his state court remedies. Although the law governing the exhaustion doctrine is likely to be a bit daunting to a *pro se* petitioner, I am confident from reading petitioner's submissions in this case that petitioner has the ability to formulate a reply to the state's response whether or not a defense based on failure-to-exhaust is raised. Moreover, this court takes pains to review habeas petitions cautiously and carefully. Stated another way, the appointment of counsel is not likely to make a difference in the outcome.

#### ORDER

Petitioner's motion for the appointment of counsel is DENIED.

Entered this 15<sup>th</sup> day of November, 2006.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge