

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

EARL DIEHL,

Petitioner,

ORDER

v.

08-cv-133-bbc

MICKEY MCCASH, Warden,
Oregon Correctional Center,

Respondent.

Petitioner Earl Diehl has filed a motion for the appointment of counsel and for an extension of his deadline for filing objections to my report and recommendation. Petitioner asserts that the inmate who has been helping him litigate his petition thus far has been released, petitioner has “little access” to legal materials and he does not understand the report or how to proceed.

Although I empathize with petitioner’s situation, I am denying his request for the appointment of counsel. As I explained in a previous order, this case is neither factually nor procedurally complex. In fact, this court cannot entertain most of petitioner’s claims because the state actions about which he complains do not implicate his constitutional rights. As for the double jeopardy and speedy hearing claims that are the proper subject of federal review, neither of them turns on any disputed factual matters or debatable points of law. The law governing those claims is set out in the report and recommendation. As before, petitioner

has not made a sufficient showing that he lacks the competence to comprehend these standards or to argue why I erred in finding that he was not entitled to habeas relief. Filing objections to the report and recommendation does not require “in depth legal arguments,” as petitioner appears to believe. If he chooses, petitioner can simply file a document stating that he objects to the report and recommendation for the reasons set forth in his petition and supporting brief.

I will grant petitioner’s request for an extension of time in which to file his objections. Petitioner’s new deadline is August 29, 2008.

ORDER

IT IS ORDERED that:

1. Petitioner’s request for the appointment of counsel is DENIED.
2. Petitioner’s request for an extension of time is GRANTED. The new deadline for filing objections to the report and recommendation is August 29, 2008.

Entered this 7th day of August, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge