

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

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MICHAEL M. REVELES,

Petitioner,

v.

LIZZIE TEGELS, Warden,  
New Lisbon Correctional Institution,

Respondent.

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ORDER

11-cv-378-bbc

On November 4, 2011, I granted petitioner Michael Reveles's third motion for an extension of time to file his brief in support of his petition for a writ of habeas corpus brought under to 28 U.S.C. § 2254. . Petitioner has since filed his brief in support and respondent has filed her response. Now petitioner has filed a motion for additional time to file his reply brief, *see* dkt. 35.

In his motion, petitioner requests an extension of time to January 29, 2012 to file his brief in reply. The deadline to file his reply is December 29, 2011. Petitioner states several reasons why he needs an extension of time. He says that he is awaiting the court's ruling on his motion for appointment of counsel, is hindered by his limited access to the prison's law library and that making copies can take several weeks due to legal loan authorization delays. Plaintiff also states that he is scheduled for two surgeries this month which will require a few days of recovery. Although I have previously warned petitioner that he would receive no more extensions, I will grant petitioner one final extension until January 17, 2012 to file his reply.

Also pending is petitioner's renewed motion for appointment of counsel, *see* dkt. 31. I note that petitioner's first motion for counsel was denied on June 30, 2011 because I determined that petitioner had the ability to litigate his case on his own based on his submissions. As I explained in that order, under 18 U.S.C. § 3006A(2)(B), a district court may appoint counsel

to represent an indigent petitioner seeking relief under § 2254 if the court determines that “the interests of justice so require. When deciding whether to appoint counsel to an indigent litigant, a district court must consider 1) the difficulty of the case in relation to the petitioner’s ability to represent himself and 2) whether counsel might make a difference to the outcome. *Farmer v. Haas*, 990 F.2d 319, 322 (7th Cir. 1993). Petitioner’s submissions thus far show that he is able to adequately present his claims and marshal facts in support of them. Petitioner will not need to make any complex legal arguments to make this showing; instead, he must point to evidence presented in the state court proceeding that undermines the state courts’ factual determinations. I am satisfied from petitioner’s submissions that he has the intelligence and communication skills needed to make this presentation. Because the interests of justice do not require appointment of counsel in this case, petitioner’s renewed motion for appointment of counsel will be denied.

#### ORDER

IT IS ORDERED that:

1. Petitioner Michael Reveles’ request for an extension of time to file his reply, dkt. 35, is GRANTED IN PART: his new deadline is January 17, 2012.
2. Petitioner’s renewed motion for appointment of counsel, dkt. 31, is DENIED.

Entered this 27<sup>th</sup> day of December, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge