

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTHUR T. CONNER,

Defendant.

ORDER

12-cv-8-bbc
07-cr-031-bbc

On January 3, 2012, defendant Arthur T. Conner filed a motion for post conviction relief under 28 U.S.C. § 2255, alleging that his trial counsel was ineffective. He also filed a motion for appointment of counsel. After a briefing schedule had been set, the government filed a motion to suspend the briefing schedule to allow it time to obtain an affidavit from defendant's trial counsel and assess whether an evidentiary hearing may be necessary. On January 25, 2012, I granted government's request.

Now defendant has filed a motion to file an addendum to his § 2255 motion. I will address that motion as well as defendant's motion for appointment of counsel.

First, as to defendant's request for appointment of counsel, he should understand that

he has no right to a lawyer. It is within my discretion to appoint one for him, but as a general rule, I do not appoint counsel on post conviction motions until and unless the defendant has brought a motion that requires an evidentiary hearing. If I determine that an evidentiary hearing is necessary, I will grant defendant's motion for appointment of counsel at that time.

Second, I will grant defendant's motion to file an addendum. The addendum will be made part of the original § 2255 motion and the government may respond in its brief to the issues raised in the addendum.

ORDER

Defendant's motion for an appointment of counsel is DENIED without prejudice.
His motion to file an addendum to his § 2255 is GRANTED.

Entered this 6th day of February, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge