

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

OUATI K. ALI,

Petitioner,

v.

MICHAEL BAENEN,

Respondent.

ORDER

12-cv-841-bbc

In an order dated January 7, 2013, I set a briefing schedule on Ouati Ali's petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner's deadline for filing his opening brief is April 10, 2013. Now before the court is a motion in which petitioner requests appointment of counsel and "reassignment" of another case. I am denying both motions.

In the context of a petition under § 2254, a federal court may appoint counsel for a financially eligible petitioner when "the interests of justice so require." 18 U.S.C. § 3006A(g); Johnson v. Chandler, 487 F.3d 1037, 1038 (7th Cir. 2007). When ruling on requests for counsel, courts must consider the complexity of the case and the litigant's abilities. Pruitt v. Mote, 503 F.3d 647, 655 (7th Cir. 2007). In this case, petitioner's filings thus far indicate that he understands both the facts and law that are relevant to his case. In his motion, he refers vaguely to "health related issues" and "segregation," but he has not provided any specific information suggesting that he is unable to file a brief in support of his

petition. However, I will give him a short extension of time to accommodate any difficulties he may have.

With respect to petitioner's motion to "reassign" another case, I understand him to be asking this court to exercise jurisdiction over a case that is pending in state court. However, the instances in which a case pending in state court can be transferred to federal court are limited and even then, the right is limited to *defendants* who want the case to be heard in federal court. 28 U.S.C. §§ 1441-1446. Under no circumstances may a federal court "reassign" to itself a case from state court. If the case pending in state court is related to the petition in this case, as petitioner suggests, it may mean that the petition is premature because petitioner has not finished exhausting his state court remedies, but any similarity in the issues between the two cases cannot provide a basis for petitioner to bring both cases to federal court.

ORDER

IT IS ORDERED that petitioner Ouati Ali's motion for appointment of counsel and motion to "reassign" another case, dkt. #8, are DENIED. Petitioner may have until April 17, 2013 to file a brief in support of his petition. Respondent Michael Baenen's brief in opposition is due within 30 days of the date of service of petitioner's brief. Petitioner shall

have 20 days after service of respondent's brief in which to file a reply.

Entered this 26th day of March, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge