

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

JOHN W. TALBOT,

Petitioner,

v.

MICHAEL DITTMANN, Warden,
Redgranite Correctional Institution,

Respondent.

ORDER

12-cv-908-bbc

Petitioner John Talbot has filed a 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. *See* dkt. 18. In his motion, petitioner requests an extension of time to July 20, 2013 (a Saturday) to file his brief. Petitioner provides several reasons why he needs an extension of time: he is waiting for the court's ruling on his motion for appointment of counsel, he is hindered by his limited access to the prison's law library, and the jailhouse lawyer who was assisting him has been transferred to another facility. Since I already have granted respondent's requests for deadline extensions, fairness suggests that I grant petitioner the same consideration; in fact, I will give him two extra days, until July 22, 2013, to file his brief.

As petitioner notes, his motion for appointment of counsel still is pending. *See* dkt. 9. 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." So far, petitioner's submissions have been clear and he has demonstrated an understanding of the law and standards implicated by his petition. Will things change if petitioner has lost access to a jailhouse lawyer? Maybe, maybe not, but petitioner should not count on it. At this stage, I conclude that the interests of justice do not require this court to

provide petitioner with legal assistance on his petition. Because the interests of justice do not require appointment of counsel in this case, petitioner's motion for appointment of counsel will be denied without prejudice to him raising it again.

ORDER

IT IS ORDERED that:

1. Petitioner John Talbot's request for an extension of time to file his brief in support, dkt. 18, is GRANTED. Petitioner's new deadline is July 22, 2013. Respondent shall file a brief in opposition 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 brief.

2. Petitioner's motion for appointment of counsel, dkt. 9, is DENIED.

Entered this 11th day of June, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge