

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

PASCHALL L. SANDERS,

Petitioner,

ORDER

v.

12-cv-230-wmc

DEBORAH McCULLOCH, Director,
Sand Ridge Secure Treatment Center,

Respondent.¹

Petitioner Paschall L. Sanders is currently in state custody at the Sand Ridge Secure Treatment Center in Mauston, Wisconsin. Sanders has filed a petition for a federal writ of habeas corpus, challenging his continued confinement as a sexually violent person under Wis. Stat. ch. 980. Pending before the court is petitioner's "motion for appointment of counsel." (Dkt. # 3).

Unlike indigent criminal defendants, civil litigants have no automatic right to court-appointed counsel. *See Luttrell v. Nickel*, 129 F.3d 933, 936 (7th Cir. 1997); *see also Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) ("Our cases establish that the right to appointed counsel extends to the first appeal of right, and no further."). A federal habeas corpus court may appoint counsel for a financially eligible petitioner where "the interests of justice so require." 18 U.S.C. § 3006A(g); *Johnson v. Chandler*, 487 F.3d 1037, 1038

¹ The original petition identifies the respondent as "Deborah McCullough." Pleadings filed by the respondent reflect that her last name is properly spelled "McCulloch." So that the record will accurately identify the respondent, the clerk's office is directed to correct the docket sheet accordingly.

(7th Cir. 2007). Appointment of counsel in this context is discretionary “unless denial would result in fundamental unfairness impinging on due process rights.” *Wilson v. Duckworth*, 716 F.2d 415, 418 (7th Cir. 1983) (quoting *LaClair v. United States*, 374 F.2d 486, 489 (7th Cir. 1967)); *Winsett v. Washington*, 130 F.3d 269, 280 (7th Cir. 2007).

Here, Sanders paid the filing fee and does not proceed under the *in forma pauperis* statute. See 28 U.S.C. § 1915(a). Assuming that he qualifies as indigent, Sanders does not show that he meets the criteria for counsel found in the Rules Governing Section 2254 Cases in the United States District Courts. See Rules 6(a), 8(c)(citing 18 U.S.C. § 3006A), or that the interests of justice require the appointment of counsel at this time. Accordingly, the motion will be denied.

ORDER

IT IS ORDERED that the petitioner’s motion for appointment of counsel, dkt. # 3, is DENIED. The court will reconsider whether counsel is necessary after resolving the respondent’s motion to dismiss, which is under advisement at this time.

Entered this 14th day of March, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge