

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

CURTIS J. PIDGEON,

Petitioner,

v.

LIZZIE TEGELS,

Respondent.

ORDER

13-cv-57-bbc

In an order entered on April 9, 2013, I directed the state to respond to petitioner Curtis Pidgeon's petition for a writ of habeas corpus under 28 U.S.C. § 2254. That response was filed with the court on May 15, 2013 and petitioner's brief in support is due June 17, 2013. Now before the court is petitioner's motion for appointment of counsel to represent petitioner. This motion will be denied.

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." To the extent that petitioner believes that he is ill-equipped to litigate the case, his lack of legal training is an extremely common one that does not require appointment of counsel in the interests of justice. Petitioner's submissions show that he is able to present his claims adequately and marshal evidence in support of them. Plaintiff states that he may not be able to collect certain evidence such as transcripts in a timely matter. Such difficulties may be reason to extend plaintiff's deadlines if he can explain that he has diligently pursued certain materials, but it is not a reason to appoint counsel. As a general rule, habeas

corpus cases do not require much discovery, other than of the record, but if petitioner finds that his case does require discovery and can show that he is incapable of pursuing it, he may renew his motion. Cf., Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007). Of course, if it becomes necessary to hold an evidentiary hearing in this matter, I will appoint counsel for that purpose. At this time, however, petitioner's motion for appointment of counsel will be denied.

ORDER

IT IS ORDERED that petitioner Curtis Pidgeon's motion for appointment of counsel, dkt. #13, is DENIED.

Entered this 11th day of June, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge