

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

JAMES W. KNIPFER,

Petitioner,

ORDER

v.

06-C-482-S

TIMOTHY LUNDQUIST,

Respondent.

Petitioner filed a petition for writ of habeas corpus. He moves for appointment of counsel.

Pursuant to 18 U.S.C. §3006A (a)(2)(B), an attorney may be appointed for any financially eligible person seeking relief under 28 U.S.C. § 2254 when the Court determines that the interest of justice so requires. Based on the petitioner's ability to represent himself the Court finds that the interest of justice does not require appointment of counsel.

Respondent filed a motion to dismiss petitioner's petition on September 28, 2006 because it is untimely. Petitioner has until October 14, 2006 to respond to this motion.

ORDER

IT IS ORDERED that plaintiff's motion for appointment of counsel is DENIED.

Knipfer v. Lundquist, 06-C-482-S

IT IS FURTHER ORDERED that petitioner's response to respondent's motion to dismiss his petition as untimely shall be filed not later than October 15, 2006.

Entered this 29th day of September, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge