

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JACOB STADFELD,

Defendant.  
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ORDER

08-cr-138-bbc

On June 17, 2013, defendant Jacob Stadfeld filed a motion for appointment of counsel to assist him in filing a post conviction motion under 28 U.S.C. § 2255. In an order entered on June 19, 2013, I explained to defendant that he has no right to a lawyer and that it is within my discretion to appoint one for him. As a general rule, I do not appoint counsel on post conviction motions until and unless I can determine that the defendant has brought a motion that requires an evidentiary hearing. With the June 19, 2013 order I included a form that defendant could use to file a motion under 28 U.S.C. § 2255 if he chooses to do so.

Defendant has now filed another motion for appointment of counsel along with a memorandum of law in support of the motion. Nothing has changed since the entry of the

court's June 19, 2013 order. Defendant may use the form that the court provided to him to set out the reasons why he believes his counsel was ineffective. The requirements for a post conviction motion are straightforward. In defendant's memorandum of law, he has already set out the challenges he wishes to raise in his §2255 motion. It is not necessary for defendant to cite any cases or to make any legal arguments. All he needs to do is to write down the facts he thinks will support his challenges. Defendant should be aware that he needs to include in his motion each and every claim that he wishes to raise in support of his §2255 motion as it will be his one and only opportunity in which to file such a motion without first obtaining permission from the court of appeals for a subsequent motion.

If, after defendant files his motion, the court determines that an evidentiary hearing is necessary, the court will appoint counsel to represent him.

#### ORDER

IT IS ORDERED that defendant Jacob Stadfeld's second motion for appointment of

counsel is DENIED without prejudice.

Entered this 8th day of July, 2013.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge