

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES FRAZIER,

Defendant.

ORDER

10-cv-732-bbc

06-cr-221-bbc

Defendant James Frazier has written to the court requesting a 30-day extension of time to file his reply brief in support of his motion under 28 U.S.C. §2255 or in the alternative for appointment of counsel to assist him with the motion. Defendant states that he has no legal help and therefore needs more time to draft his reply to the government's response brief. I will grant defendant's request for an extension and give him until February 17, 2011 in which to submit his reply brief.

As to defendant's request for appointment of counsel, defendant has no right to a lawyer. Although it is within my discretion to appoint counsel for defendant, as a general rule, I do not appoint counsel on post conviction motions until and unless I have determined that an evidentiary hearing is required. I will reserve ruling on this motion until I have

reviewed the written materials filed by the parties. If I determine that an evidentiary hearing is necessary, I will appoint counsel at that time.

ORDER

IT IS ORDERED that defendant James Frazier's motion for an extension of time to file his reply brief is GRANTED. His request for appointment of counsel is DENIED as premature.

Entered this 12th day of January, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge