

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

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MICHAEL S. ZIEGLER,

Petitioner,

ORDER

v.

14-cv-73-wmc

DEBORAH McCULLOCH, Director,  
Sand Ridge Secure Treatment Center,

Respondent.

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Petitioner Michael S. Ziegler is currently in state custody at the Sand Ridge Secure Treatment Center in Mauston, Wisconsin. He 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. # 8).

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 (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, petitioner 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, petitioner 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. In that respect, petitioner does not demonstrate that discovery is needed or that this case cannot be resolved on the available state court record such that an evidentiary hearing may be necessary. Accordingly, the motion must be denied.

ORDER

IT IS ORDERED that the petitioner's motion for appointment of counsel, dkt. # 8, is DENIED.

Entered this 25th day of March, 2014.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge