

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

INMATE NAME,

Petitioner,

v.

Case No. _____

_____, Warden,
_____, Correctional Institution,

Respondent.

MOTION FOR APPOINTMENT OF COUNSEL

_____, petitioner in this action, respectfully moves this Court for the entry of an Order pursuant to 28 U.S.C. §2254(h), 18 U.S.C. §3006A and Rule 8(c) of the Rules Governing Section 2254 Cases In The United States District Courts, appointing counsel to represent him for purposes of his concurrently-filed Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254.

AS GROUNDS THEREFOR, petitioner respectfully asserts as follows:

1. Petitioner is in custody of the State of Wisconsin pursuant to judgments of conviction entered on _____, sentencing him to a total of _____ following his conviction by a jury to/plea of guilty to/plea of no contest to _____.

2. Simultaneously with this motion, petitioner submits his Petition under 28 U.S.C. §2254 for a writ of habeas corpus and a request for leave to proceed *in forma pauperis*, the allegations of which also form the basis for this motion to appointment of counsel. For the reasons stated in that document, Petitioner is unable, due to his poverty, to pay for counsel to represent himself in these habeas proceedings.

3. The issues presented by this petition are many and complex. EXPLAIN WHY THE ISSUES OR THE DEFENDANT'S SPECIAL IMPAIRMENTS ARE SUCH THAT THE DEFENDANT CANNOT REASONABLY REPRESENT HIMSELF OR HERSELF ON FEDERAL HABEAS.

4. Adding to the difficulty of self-representation in this is complexity of the requirements of the Antiterrorism & Effective Death Penalty Act of 1996.

5. Petitioner is not a lawyer and is not trained in legal argument. Accordingly, he would be unable adequately to present his arguments to the court and to assist the court in addressing his claims without the assistance of counsel.

6. Petitioner was represented by counsel throughout the state court proceedings. Most recently, he was represented by attorney _____ on his state direct appeal / motion for post-conviction relief under Wis. Stat. §974.06, and on the appeal from the denial of that motion. Attorney _____ has agreed to represent petitioner regarding this petition if appointed by the Court, but is unable to continue representing him *pro bono*. Attorney _____ is familiar with the issues raised in this petition and is admitted to practice before this Court, and his address is as follows:

Attorney _____

_____, Wisconsin _____
() ____-____

Attorney _____ also drafted this motion as well as petitioner's §2254 petition on his behalf.

7. In preparing this motion, Attorney _____ contacted other attorneys proficient in criminal law in an effort to find other counsel who would be willing and able to represent Mr. _____ *pro bono*. Specifically, he contacted Attorneys _____,

_____, and _____. None could agree to represent Mr. _____ *pro bono* in these proceedings. See attached Affidavit of Attorney _____.

For these reasons, petitioner respectfully asks that the Court enter an Order pursuant to 29 U.S.C. §2254(h), 18 U.S.C. §3006A and Rule 8(c) of the Rules Governing Section 2254 Cases appointing Attorney _____ or some other qualified attorney to represent him regarding his habeas petition. *See also Battle v. Armatrout*, 902 F.2d 701, 702 (8th Cir. 1990) (“appointment of counsel would benefit ... the court by allowing counsel to develop Battle's arguments and focus the court's analysis”); *Taylor v. Pegelow*, 335 F.2d 147 (4th Cir. 1964) (“Innumerable difficult questions and inordinate waste of time of judges and [state] lawyers ... might ... have been avoided if the District Court had appointed counsel”).

Dated at _____, WI, _____, 20__.

Respectfully submitted,

_____, Petitioner

_____ Correctional Institution

_____, WI 5 _____