

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

STEVEN A. HARRIS,

Petitioner,

v.

CASE NO. 06-3079-SAC

RAY ROBERTS, et al.,

Respondents.

O R D E R

Petitioner proceeds pro se and in forma pauperis on a petition for writ of habeas corpus under 28 U.S.C. § 2254. Before the court is petitioner's motion for appointment of counsel (Doc. 4).

There is no constitutional right to the appointment of counsel in federal habeas corpus proceedings. Pennsylvania v. Finley, 481 U.S. 551, 555 (1987). Instead, whether counsel should be appointed is left to the discretion of the court. See Swazo v. Wyoming Dept. of Corrections State Penitentiary Warden, 23 F.3d 332 (10th Cir. 1994) (no constitutional right to counsel beyond appeal of criminal conviction; appointment of counsel in habeas corpus proceeding is left to court's discretion). Having reviewed petitioner's claims, his ability to present said claims, and the complexity of the legal issues involved, Long v. Shillinger, 927 F.2d 525, 526-27 (10th Cir. 1991) (factors to be considered in deciding motion for appointment of counsel), the court finds the appointment of counsel in this matter is not warranted at this time.

Also before the court is respondents' motion (Doc. 5) for an extension of time to file an answer and return. Finding good cause exists for this request, the court grants respondents' motion.

IT IS THEREFORE ORDERED that petitioner's motion for appointment of counsel (Doc. 4) is denied without prejudice.

IT IS FURTHER ORDERED that respondents' motion for an extension of time (Doc. 5) is granted, and that respondents are granted to and including June 16, 2006, to file an answer and return.

**IT IS SO ORDERED.**

DATED: This 18th day of April 2006 at Topeka, Kansas.

S/ Sam A. Crow  
SAM A. CROW  
U.S. Senior District Judge