

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

**United States of America,**

**Plaintiff,**

**v.**

**Case No. 07-20168-22-JWL**

**Keith McDaniel,**

**Defendant.**

**MEMORANDUM & ORDER**

This matter is presently before the court on defendant Keith McDaniel's motion for appointment of counsel (doc. 1901) to assist him in filing a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). The motion is denied. There is no constitutional right to counsel beyond the direct appeal of a conviction. *Swazo v. Wyo. Dep't of Corrs.*, 23 F.3d 332, 333 (10th Cir. 1994); *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). Nonetheless, if Mr. McDaniel files a motion for compassionate release and that motion reflects that Mr. McDaniel may be entitled to relief, the court will consider a request for the appointment of counsel at that point.

**IT IS THEREFORE ORDERED BY THE COURT THAT** Mr. McDaniel's motion for appointment of counsel (doc. 1901) is **denied**.

**IT IS SO ORDERED.**

Dated this 15<sup>th</sup> day of May, 2020, at Kansas City, Kansas.

*s/ John W. Lungstrum*

John W. Lungstrum

United States District Judge