

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MECHIEEN McDOWELL (06),

Defendant.

Case No. 09-20133-06-JWL

MEMORANDUM AND ORDER

On March 21, 2011, defendant Mechieen McDowell pled guilty subject to a written plea agreement to felony money laundering (docs 792, 795). She received a 108 month sentence on September 1, 2011. She did not file a direct appeal.

This matter comes before the court on Ms. McDowell's Motion to Appoint Counsel (doc. 1495). For the reasons set forth below, this motion is denied.

ANALYSIS

Ms. McDowell asks the court to appoint an attorney to assist with her motion to vacate, correct, or set aside her conviction pursuant to 28 U.S.C. § 2255. There is, however, 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). "[T]he right to appointed counsel extends to the first appeal of right, and no further." *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). The court has the discretionary ability to appoint

counsel under 18 U.S.C. § 3006A(a)(2)(B), unless the matter requires an evidentiary hearing.

Here, Ms. McDowell does not have a § 2255 petition pending at this time. As such, the court has no basis to grant the defendant appointment of counsel under § 3006A(a)(2)(B).

IT IS THEREFORE ORDERED BY THE COURT that defendant's Motion to Appoint Counsel (doc. 1495) is denied.

IT IS SO ORDERED this 15th day of May, 2012.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge