

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

**United States of America,**

**Plaintiff,**

**v.**

**Case No. 13-20043-01-JWL**

**Clifford A. Dodds,**

**Defendant.**

**MEMORANDUM AND ORDER**

Defendant Clifford A. Dodds, proceeding pro se, filed a motion seeking the appointment of counsel to assist him with the filing of a motion for relief under the First Step Act (doc. 167). 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). “[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).

Mr. Dodds also references in his current motion a prior motion that he filed seeking relief under the First Step Act and he seeks a copy of that motion. After reviewing the record in this case,<sup>1</sup> it does not appear that Mr. Dodds has ever filed (or that the court has ever received) a prior motion from Mr. Dodds seeking relief under the First Step Act. In January 2019, Mr. Dodds filed a motion for a sentence reduction under Amendment 782 pursuant to 28 U.S.C. § 3582(c)(2). For some reason, the Clerk of the Court docketed that motion as a “Motion to Reduce Sentence—First Step Act” despite the fact that the motion itself did not seek relief under

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<sup>1</sup> This case was only recently reassigned to the undersigned judge.

the First Step Act. The court, then, finds nothing in the record indicating that Mr. Dodds has previously sought relief under the First Step Act.

Should Mr. Dodds decide to file a motion for relief under the First Step Act and that motion reflects that Mr. Dodds may be entitled to relief, the court will reconsider a request for counsel at that point if necessary.

**IT IS THEREFORE ORDERED BY THE COURT THAT** Mr. Dodds' motion for appointment of counsel (doc. 167) is **denied**.

**IT IS SO ORDERED.**

Dated this 16<sup>th</sup> day of April, 2020, at Kansas City, Kansas.

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