

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

United States of America,

Plaintiff,

v.

Case No. 15-20003-JWL

Jerome Davis,

Defendant.

MEMORANDUM AND ORDER

Defendant Jerome Davis filed a pro se motion that the court construes as a motion to appoint counsel (doc. 100) to assist him in determining whether any recent changes to the United States Sentencing Guidelines apply to his case. The motion is denied. Defendant has no constitutional or statutory right to appointment of counsel with respect to a motion to reduce his sentence. *See Coronado v. Ward*, 517 F.3d 1212, 1218 (10th Cir. 2008) (no constitutional right to counsel beyond direct appeal of criminal conviction); *United States v. Hemmelgarn*, 15 F.4th 1027, 1032 (10th Cir. 2021) (right to counsel does not extend to § 3582(c)(2) motion) (citing *United States v. Campos*, 630 Fed. Appx. 813, 816 (10th Cir. 2015)). Moreover, because defendant has not yet filed a motion seeking substantive relief, the court cannot assess whether the court, in its discretion, should appoint counsel to assist defendant with any specific issues of law. If defendant does file a pro se motion seeking a sentence reduction concerning the new Sentencing Guidelines, the Office of the Federal Public Defender will review that motion in the first instance and determine whether it intends to enter an appearance on behalf of defendant. If the Federal Public Defender declines to enter an appearance, the court nonetheless will consider

a request for the appointment of counsel at that point if the motion reflects that defendant may be entitled to relief or that appointed counsel might be helpful in some other respect.

IT IS THEREFORE ORDERED BY THE COURT THAT defendant's motion for appointment of counsel (doc. 100) is **denied**.

IT IS SO ORDERED.

Dated this 7th day of March, 2024, at Kansas City, Kansas.

s/Julie A. Robinson
HON. JULIE A. ROBINSON
United States District Judge