

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CLINT EUGENE WOODS,

Petitioner,

v.

CASE NO. 18-3250-SAC

JOEL HRABE,

Respondent.

O R D E R

This matter is a petition for habeas corpus filed under 28 U.S.C. §2254. On April 6, 2020, the Court dismissed this matter and declined to issue a certificate of appealability.

Petitioner has filed a notice of appeal, and he moves for leave to proceed on appeal in forma pauperis and for the appointment of counsel. The Court has considered the record and grants leave to continue on appeal in forma pauperis.

There is no constitutional right to the appointment of counsel in a civil matter. *Carper v. Deland*, 54 F.3d 613, 616 (10th Cir. 1995); *Durre v. Dempsey*, 869 F.2d 543, 547 (10th Cir. 1989). Rather, the decision whether to appoint counsel in a civil action lies in the discretion of the district court. *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991). The Court has determined that this matter should be dismissed and therefore finds no ground that warrants the appointment of counsel. The Court will deny the motion, but this ruling will not prevent petitioner from moving in the appellate court for the appointment of counsel.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's motion for leave to proceed on appeal in forma pauperis (Doc. 24) is granted.

IT IS FURTHER ORDERED petitioner's motion to appoint counsel
(Doc. 25) is denied.

IT IS SO ORDERED.

DATED: This 1st day of May, 2020, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. District Judge