

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

CARRIE EARLENE WALKER,

Petitioner,

v.

CASE NO. 21-3245-JWL

GLORIA GEITHER,

Respondent.

MEMORANDUM AND ORDER

This federal habeas matter comes before the Court on Petitioner’s Emergency Motion to Appoint Counsel (Doc. 34) and Motion for Extension of Time to File Traverse (Doc. 35). Petitioner seeks a 60-day extension of time to file the traverse. This is Petitioner’s first request for an extension of time. The Court grants the motion.

Petitioner also requests appointment of counsel to assist her in filing her traverse. Petitioner has no constitutional right to counsel in a federal habeas corpus action. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *United States v. Akers*, 807 F. App’x 861, 867 (10th Cir. 2020) (unpublished) (“There is no constitutional right to counsel beyond the direct appeal of a criminal conviction.”). A court may appoint counsel for a § 2254 petitioner if it “determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). “The decision to appoint counsel is left to the sound discretion of the district court.” *Engberg v. Wyoming*, 265 F.3d 1109, 1122 (10th Cir. 2001) (citation omitted).

The Court determines that the interests of justice do not warrant appointment of counsel to assist Petitioner in filing her traverse. The Court is granting an extension of time to file the traverse. The motion to appoint counsel is denied.

IT IS THEREFORE ORDERED BY THE COURT that Petitioner's Motion for Extension of Time to File Traverse (Doc. 35) is **granted**. The deadline to submit the traverse is extended to **May 21, 2025**.

IT IS FURTHER ORDERED that Petitioner's Emergency Motion to Appoint Counsel (Doc. 34) is **denied**.

IT IS SO ORDERED.

Dated March 17, 2024, in Kansas City, Kansas.

S/ John W. Lungstrum
JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE