

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JUDSON BROWN	:	PRISONER CASE NO.
	:	3:13-cv-1133 (JCH)
v.	:	
	:	
COMMISSIONER OF CORRECTION	:	DECEMBER 11, 2013

RULING ON PENDING MOTIONS [DOC. NOS. 6, 7, 8]

The petitioner has filed two Motions for Appointment of Counsel and a Motion seeking reconsideration of the denial of his Motion to Proceed In Forma Pauperis.

I. Motions for Appointment of Counsel

The petitioner asks the court to appoint pro bono counsel pursuant to 18 U.S.C. §1915 to represent him in this federal habeas corpus action. He states that no attorney he has contacted will accept his case pro bono.

Appointment of counsel in habeas corpus cases is discretionary, and that discretion should be exercised only when the interests of justice so require, unless an evidentiary hearing is necessary. See Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts; 18 U.S.C. § 3006A(a)(2)(B).

The court must review the response to the petition and the petitioner's reply, if any, before it can determine whether an evidentiary hearing is required or if the interests of justice require appointment of counsel in this case. Thus, appointment of counsel is not warranted at this time.

The petitioner's Motions for Appointment of Counsel (**Doc. Nos. 6 & 8**) are **DENIED** without prejudice to refiling should an evidentiary hearing be scheduled in this

case.

II. Motion for Reconsideration

The petitioner asks this court to reconsider the court's, Fitzsimmons, M.J., denial of his Motion to Proceed In Forma Pauperis. The Motion was denied as moot because the petitioner paid the filing fee. The petitioner has not identified any basis for altering that decision. The Motion for Reconsideration (**Doc. No. 7**) is **GRANTED**, but the relief requested is **DENIED**.

SO ORDERED.

Dated this 11th day of December 2013, at New Haven, Connecticut.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge