

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MICHAEL BRAHAM

v.

HECTOR RODRIGUEZ

PRISONER
Case No. 3:02CV2153 (JBA)(JGM)

FILED
JAN 8 9 37 AM '04
U.S. DISTRICT COURT
NEW HAVEN, CT

RULING AND ORDER

Petitioner is seeking an appointment of pro bono counsel in this habeas corpus action pursuant to 28 U.S.C. § 1915. 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 2255 Cases in the United States District Courts; 18 U.S.C. § 3006A(g). The court has determined that a hearing is not necessary at this time. Thus, appointment of counsel is not warranted. Petitioner may renew his motion if an evidentiary hearing is scheduled in this matter.

Accordingly, petitioner's motion for appointment of counsel [dkt. #9] is **DENIED** without prejudice.

SO ORDERED this 7th day of January, 2004, at New Haven, Connecticut.

JOAN G. MARGOLIS
UNITED STATES MAGISTRATE JUDGE