UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

WILLIAM BASKERVILLE,

Petitioner,

v. : Civil No. 13-5881 (JAP)

UNITED STATES OF AMERICA : ORDER

Respondent.

Presently before the Court is Petitioner's Motion to Appoint Counsel (ECF No. 8) in this matter which was filed pursuant to 28 U.S.C. § 2255. The Court has discretion to appoint an attorney to represent a habeas petitioner when the petitioner is financially eligible and when the appointment of counsel is in the interests of justice. *See* 28 U.S.C. § 2254(h); *see also* 18 U.S.C. § 3006A(a)(2)(B) ("Whenever ... the court determines that the interests of justice so require, representation may be provided for any financially eligible person who ... is seeking relief under section ... 2255 of title 28.").

After review of Petitioner's motion, it appears that appointment of counsel is not appropriate at this time. As a preliminary matter, Petitioner's petition for a writ of habeas corpus is sufficient to avoid dismissal on its face. From Petitioner's submissions to the Court thus far, it appears that Petitioner is well able to articulate the factual and legal bases for his claims. It does not appear at this time that appointment of counsel would in the interest of justice.

Accordingly, Petitioner's Motion to Appoint Counsel (ECF No. 8) will be denied, without prejudice to *sua sponte* appointment of counsel should it appear that appointment of counsel would be appropriate at a later stage in the litigation.

IT IS, therefore, on this 5th day of May, 2014,

ORDERED that Petitioner's Motion to Appoint Counsel (ECF No. 8) is hereby DENIED.

/s/ Joel A. Pisano JOEL A. PISANO United States District Judge