

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

FILED

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

RONALD PATRICK SWENEY,  
Petitioner,

v.

CHARLES JONES, Warden; ATTORNEY  
GENERAL FOR THE STATE OF ALABAMA,  
Respondents.

CIVIL ACTION NO. 96-P-2823-S

FILED

AUG 27 1998


ORDER

On August 19, 1998 petitioner filed a "Second Pleading of Motion for Appointment of Counsel" (document #36) relying upon Rule 6, A.R.Cr.P. Petitioner is not entitled to appointment of counsel in this federal habeas action based upon Rule 6(a), A.R.Cr.P. Rule 6, A.R.Cr.P. applies only to state criminal proceedings. Moreover, petitioner is not entitled to appointment of counsel pursuant to Rule 32.7(c), A.R.Cr.P. because that Rule provides for the discretionary appointment of counsel to protect a petitioner's rights in an Alabama Rule 32 proceeding. Finally, petitioner is not entitled to appointment of counsel under 18 U.S.C. §3006A(a)(2)(B). Section § 3006A provides for the appointment of counsel for a financially eligible person who is seeking relief under 28 U.S.C. § 2254 whenever the United States Magistrate Judge or the court determines that the interests of justice so require. Petitioner has not shown that he is "financially eligible" for appointment of counsel. Because petitioner paid the filing fee, he has not submitted an affidavit of indigency. Further, the magistrate judge concludes that the interests of justice do not require appointment of counsel inasmuch as the issues were not complicated.

Petitioner's Second Pleading of Motion for Appointment of Counsel is DENIED.

The clerk is **DIRECTED** to serve a copy of this order upon petitioner and counsel for respondents.

DONE this the 14<sup>th</sup> day of August, 1998.

  
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**PAUL W. GREENE**  
**UNITED STATES MAGISTRATE JUDGE**