

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Richard Chantez Butler v. Gloria Geither

Butler v. Geither · No. 25-3280-JWL · Decided January 6, 2026

SUMMARY

The United States District Court for the District of Kansas denies Richard Chantez Butler’s motion for appointment of counsel in his 28 U.S.C. § 2254 habeas corpus proceeding. The court also takes no further action on Butler’s notice that prison library staff allegedly refused to e-file documents, while allowing him to renew his request for counsel if circumstances later warrant it.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	January 6, 2026
DOCKET	25-3280-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner brought a federal habeas corpus action under 28 U.S.C. § 2254 and moved for appointment of counsel. He also filed a notice alleging that prison library staff refused to e-file documents.
STANDARD OF REVIEW	Appointment of counsel in a federal habeas proceeding is committed to the court's discretion, and counsel may be appointed when the interest of justice so requires.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; limited persuasive value.
PARTIES	Richard Chantez Butler v. Gloria Geither

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Civil procedure

QUESTIONS PRESENTED

1. Whether the interest of justice required appointment of counsel for Petitioner at the preliminary stage of his federal habeas corpus proceeding.
2. Whether the court should take action on Petitioner's notice that prison staff allegedly refused to e-file documents.

HOLDINGS

1. Petitioner was not entitled to appointed counsel at this stage because there is no constitutional right to counsel in a federal habeas corpus action and the interest of justice did not require appointment based on the merits, complexity, or Petitioner's ability to present his claims.
2. The court would take no further action on the notice because it merely reported an alleged refusal to e-file, did not request relief, and did not identify any current filing obligation or deadline.

KEY QUOTATIONS

“Petitioner has no constitutional right to counsel in a federal habeas corpus action.”

“At this preliminary stage of these federal habeas proceedings, the Court finds that the interest of justice does not require appointment of counsel for Petitioner.”

“Thus, the motion for appointment of counsel will be denied without prejudice.”

FACTUAL BACKGROUND

Richard Chantez Butler, a Kansas state prisoner incarcerated at Lansing Correctional Facility, sought appointment of counsel based on an alleged refusal by a prison library staff member to e-file documents, his need for ongoing medical callouts, and his indigence. Butler's notice described a single alleged refusal to e-file on January 5, 2026, but did not provide additional information or request specific relief. The court found that Butler had thus far been able to present relevant facts and arguments and that the issues were not expected to be overly complex.

PROCEDURAL HISTORY

The case was in the preliminary stages of federal habeas proceedings, and the court had issued an earlier memorandum and order directing review of the petition under Rule 4. The court considered Petitioner's motion for appointment of counsel and notice concerning e-filing. The court took no further action on the notice and denied the motion for appointment of counsel without prejudice.

DISPOSITION

other

CASES CITED

- *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)

- Swazo v. Wyoming Department of Corrections State Penitentiary Warden, 23 F.3d 332, 333 (10th Cir. 1994)
- Steffey v. Orman, 451 F.3d 1218, 1223 (10th Cir. 2006)
- Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1115 (10th Cir. 2004)
- Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995)

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