

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PRECEDENTIAL VALUE	Unpublished district court memorandum and order; limited persuasive value.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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS RICHARD CHANTEZ BUTLER, Petitioner, v. CASE NO. 25-3280-JWL GLORIA GEITHER, Respondent. MEMORANDUM AND ORDER This matter is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by Petitioner and Kansas state prisoner Richard Chantez Butler, who is currently incarcerated at Lansing Correctional Facility (“LCF”) in Lansing, Kansas.

It comes now before the Court on Petitioner’s motion for appointment of counsel (Doc. 4) and his notice of refusal to e-file (Doc. 5). The notice advises the Court that on January 5, 2026 at 8:30 a.m., LCF library staff member John Stiffing refused Petitioner’s request to e-file documents in this case. (Doc. 5.)

The motion for appointment of counsel seeks counsel based on (1) Mr. Stiffing refusing to e-file Plaintiff’s documents; (2) Petitioner’s need for “[o]ngoing medical callouts”; and (3) Petitioner’s indigent status and lack of independent ability to retain counsel. (Doc. 4.) Petitioner has no constitutional right to counsel in a federal habeas corpus action. See *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987).

Rather, the decision whether to appoint counsel rests in the Court's discretion. *Swazo v. Wy. Dept. of Corr. State Penitentiary Warden*, 23 F.3d 332, 333 (10th Cir. 1994). A court may appoint counsel if it “determines that the interest of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). “The burden is on the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel.” *Steffey v. Orman*, 451 F.3d 1218, 1223 (10th Cir.

2006) (quoting *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004)). It is not enough to assert that appointing counsel will help present the “strongest possible case, [as] the same could be said in any case.” *Steffey*, 451 F.3d at 1223 (quoting *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995)). When deciding whether to appoint counsel, the Court must consider “the merits of a prisoner's claims, the nature and complexity of the factual and legal issues, and the prisoner's ability to investigate the facts and present his claims.” *Hill*, 393 F.3d at 1115 (citing *Rucks*, 57 F.3d at 979).

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. As explained in the memorandum and order (“M&O”) issued yesterday, this matter is in the early stages of these proceedings, during

which the Court must review the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.

(Doc. 3, p. 1.) Thus far, Petitioner has appeared capable of presenting relevant facts and arguments. Moreover, the Court does not anticipate that the issues in this matter will be overly complex. The Court is troubled by Petitioner's assertion that LCF staff refused to e-file documents presented by Petitioner for e-filing in this case.

The notice from Petitioner states—in its entirety: “I, Richard Chantez Butler, at the date and time above [(January 5, 2026 at 8:30 a.m.)] was refuse E-file by the staff library Mr. Stiffing, John.” (Doc. 5 (all errors in original).) Petitioner does not provide additional information about the refusal, nor does he ask the Court to take any action as a result of the refusal.

Rather, he simply notifies the Court that Mr. Stiffing prevented him from e- filing documents in this case. *Id.* In the M&O issued yesterday in this case, the Court clarified for Petitioner the type of documents that should and should not be filed in this matter. (Doc. 3, p. 2-4.) At this point in time, the Court is not expecting any filings from Petitioner, nor are there any current deadlines by which Petitioner is required to file documents in this case.

Thus, the Court will take no further action on Petitioner's notice. If Petitioner is prevented from e-filing documents in this case in the future, he may so inform the Court in writing by filing a written notice or, if he wishes the Court to take action, by filing a written motion. Even considering the alleged single instance in which LCF staff prevented Petitioner from filing in this case, the Court concludes that the interest of justice does not require appointment of counsel in this case at this stage.

Thus, the motion for appointment of counsel will be denied without prejudice. If this case develops in a way that requires counsel, Petitioner may renew his motion. See Rules 6, 7, and 8 of the Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C.A. foll. § 2254 (discussing discovery, expansion of the record, and evidentiary hearings).

IT IS THEREFORE ORDERED THAT the motion to appoint counsel (Doc. 4) is denied without prejudice. IT IS SO ORDERED. DATED: This 6th day of January, 2026, at Kansas City, Kansas.
S/ John W. Lungstrum JOHN W. LUNGSTRUM United States District Judge