

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Scott Taggart Roethle v. United States of America

Roethle · No. No. 4:26-CV-00649 CDP · Decided May 4, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denies Scott Taggart Roethle’s motion for appointment of counsel in his proceeding under 28 U.S.C. § 2255. The court explains that there is no constitutional or statutory right to appointed counsel for preparing and litigating the motion absent an evidentiary hearing, while leaving open the possibility of appointment if such a hearing is later scheduled.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Catherine D. Perry
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	May 4, 2026
DOCKET	No. 4:26-CV-00649 CDP
DISPOSITION	other
PROCEDURAL POSTURE	Movant sought appointment or reappointment of counsel in his pending 28 U.S.C. § 2255 proceeding.
STANDARD OF REVIEW	Appointment of counsel in a § 2255 proceeding is discretionary and is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Unknown; memorandum and order from a federal district court
PARTIES	Scott Taggart Roethle v. United States of America

TOPICS

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

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appointment of counsel

QUESTIONS PRESENTED

1. Whether a movant in a 28 U.S.C. § 2255 proceeding has a statutory or constitutional right to appointed counsel for preparing and presenting the motion and a reply brief.
2. Whether the interests of justice required appointment of counsel before an answer or evidentiary hearing.

HOLDINGS

1. A movant has neither a statutory nor a constitutional right to appointed counsel for the preparation and presentation of a § 2255 motion or a reply brief.
2. The court may appoint counsel in a § 2255 proceeding when the interests of justice so require, but appointment is not warranted on the present record before an answer or evidentiary hearing.

KEY QUOTATIONS

“There is neither a statutory nor constitutional right to appointed counsel in proceedings brought pursuant to 28 U.S.C. § 2255.” (Opinion at 2)

“However, Roethle is not entitled to the assistance of counsel for the filing of his Section 2255 motion and any reply brief in support.” (Opinion at 2)

FACTUAL BACKGROUND

Michelle Nasser previously represented Roethle under the Criminal Justice Act only to advise him concerning a direct appeal, which Roethle ultimately did not file. In the § 2255 proceeding, Roethle sought her reappointment, but the government had not answered and no evidentiary hearing had been scheduled.

PROCEDURAL HISTORY

Roethle filed a § 2255 motion and moved for appointment of Michelle Nasser, who had previously represented him under the Criminal Justice Act for the limited purpose of advising him regarding a direct appeal. The government had not yet answered, no evidentiary hearing had been scheduled, and the court denied the request without prejudice, allowing it to be renewed if an evidentiary hearing later became necessary.

DISPOSITION

other

CASES CITED

- *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)
- *Baker v. United States*, 334 F.2d 444, 447 (8th Cir. 1964)
- *Hoggard v. Purkett*, 29 F.3d 469, 471 (8th Cir. 1994)

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