

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

McKire-Bennett v. United States

No. 25-cv-414-jdp · No. 25-cv-414-jdp · Decided May 18, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin addresses Lloyd M. McKire-Bennett’s motion for appointment of counsel in his 28 U.S.C. § 2255 proceeding challenging his federal convictions and sentence, primarily on ineffective-assistance grounds. The court denies appointment of counsel without prejudice and grants McKire-Bennett until June 1, 2026, to reply to the government’s response.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	May 18, 2026
DOCKET	25-cv-414-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a motion under 28 U.S.C. § 2255 and moved for appointment of counsel. The court ruled on the appointment-of-counsel motion while permitting petitioner to file a reply to the government's response.
STANDARD OF REVIEW	The court applied the statutory and discretionary standard governing appointment of counsel for a financially eligible § 2255 petitioner: whether the interests of justice require appointment, considering the petitioner's ability to proceed without counsel, the difficulty of the case, and the likelihood of success with counsel.
PRECEDENTIAL VALUE	Unpublished district court opinion and order; nonprecedential
PARTIES	Lloyd M. McKire-Bennett v. United States of America

TOPICS

- federal habeas corpus
- post-conviction relief
- right to counsel
- ineffective assistance
- criminal procedure

PRACTICE AREAS

Federal post-conviction relief

Appointment of counsel

Criminal procedure

QUESTIONS PRESENTED

1. Whether counsel should be appointed for McKire-Bennett in his § 2255 proceeding.
2. Whether filing a motion for appointment of counsel excused McKire-Bennett from filing a timely reply to the government's response.

HOLDINGS

1. Appointment of counsel was not warranted at this stage because the current briefing did not show that the issues were too complex for McKire-Bennett to handle without counsel. The motion was therefore denied without prejudice.
2. A pending motion for appointment of counsel did not relieve McKire-Bennett of his obligation to file a reply by the applicable deadline.

KEY QUOTATIONS

“In evaluating what the interests of justice require, courts generally consider whether the petitioner can obtain justice without an attorney in light of his ability and the difficulty of the case and whether he would have had a reasonable chance of winning with a lawyer at his side.”

FACTUAL BACKGROUND

McKire-Bennett is incarcerated at the Federal Correctional Institution in Leavenworth, Kansas. He pleaded guilty to conspiracy to distribute 400 grams or more of fentanyl and to being a felon in possession of firearms and ammunition, receiving concurrent 164-month sentences on the two counts. In his § 2255 petition, he primarily alleges ineffective assistance of counsel and requested appointment of counsel.

PROCEDURAL HISTORY

McKire-Bennett pleaded guilty in a related criminal case and received concurrent 164-month sentences. He then filed this § 2255 proceeding, primarily alleging ineffective assistance of counsel. The government responded, petitioner did not file a reply, and the court denied his pending motion for appointment of counsel without prejudice while extending the deadline for a reply.

DISPOSITION

other

CASES CITED

- Howard v. Gramley, 225 F.3d 784, 794 (7th Cir. 2000)

