

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA**

David Randall Poyner v. Kenneth Peters

Poyner v. Peters · No. Civ. A. No. 25-492-KD-MU · Decided February 25, 2026

SUMMARY

The court denies David Randall Poyner’s motion for appointment of counsel in his 28 U.S.C. § 2254 habeas action. The court concludes that Poyner articulated his claim, the applicable legal doctrines were not complex, and the interests of justice did not require appointed counsel at that stage.

OPINION

Poyner

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DAVID RANDALL POYNER,)

#139329,)) Petitioner,)) Civ. A. No. 25-492-KD-MU v.))

KENNETH PETERS,)

Warden, Fountain Correctional Facility,)) Respondent.)

ORDER

This action is before the Court on Petitioner David Randall Poyner's Motion for Appointment of Counsel (Doc. 13) in which he requests that the Court appoint counsel to represent him in this § 2254 action. Petitioner contends that he does not have the ability to present or investigate his own case and does not possess the funds to hire outside counsel. *Id.* This motion has been referred to the undersigned Magistrate Judge for decision, pursuant to 28 U.S.C. § 636(b)(1)(A), Rule 72 of the Federal Rules of Civil Procedure, and General Local Rule 72(a)(2)(R). Although a habeas petitioner may request that legal counsel be appointed to represent him, such an appointment is within the Court’s discretion. See *Wright v. Johnson*, No. 5:15-cv-00423-CAR-CHW, 2017 WL 3167326, *4 (M.D. Ga. Mar. 14, 2017) (citing 18 U.S.C. § 30006A(a)(2)(B)). No constitutional right to counsel exists in federal habeas corpus proceedings. *McGriff v. Dep’t of Corr.*, 338 F.3d 1231, 1235 (11th Cir. 2003) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). The Court may appoint counsel for a § 2254 petitioner if the Court finds that the petitioner is financially eligible and determines that “the interests of justice so require.” See 18 U.S.C. § 30006A(a)(2)(B). Petitioner has not demonstrated that the interests of justice require appointment of counsel at this juncture of the proceedings. A review of the petition (Doc. 1) and Petitioner's supplemental filings

(Docs. 12, 14) reveals that Petitioner was able to articulate his claim and identify the factual allegations supporting his claim. In addition, the applicable legal doctrines are not unique or complex. Accordingly, Petitioner's Motion for Appointment of Counsel (Doc. 13) is DENIED. DONE and ORDERED this the 25th day of February, 2026.

s/P. BRADLEY MURRAY

UNITED STATES MAGISTRATE JUDGE