

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, SOUTHERN DIVISION

Gregory Wayne Carver v. Gwendolyn Davis

Carver · No. 1:26-CV-214-WKW · Decided April 30, 2026

SUMMARY

The United States District Court for the Middle District of Alabama denied Gregory Wayne Carver’s motion for appointment of counsel in his habeas proceeding, finding no exceptional circumstances or present requirement for appointed counsel. The court also denied his request for a blanket extension of time to object to future adverse orders or reports and recommendations.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Southern Division
WRITING FOR THE COURT	W. Keith Watkins
JURISDICTION	United States District Court for the Middle District of Alabama, Southern Division
DECIDED	April 30, 2026
DOCKET	1:26-CV-214-WKW
DISPOSITION	other
PROCEDURAL POSTURE	In a federal habeas proceeding, the petitioner moved for appointment of counsel and for a blanket extension of time to object to future adverse orders or a magistrate judge's report and recommendation.
STANDARD OF REVIEW	The court applied its broad discretion in determining whether appointment of counsel was warranted in the post-conviction proceeding and assessed the requests under the governing habeas rules and statutory standards.
PRECEDENTIAL VALUE	unpublished
PARTIES	Gregory Wayne Carver v. Gwendolyn Davis

TOPICS

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

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Appointment of counsel

QUESTIONS PRESENTED

1. Whether the court should appoint counsel for the petitioner at the current stage of the federal habeas proceeding.
2. Whether the court should grant a blanket extension of time to object to future adverse orders or a future magistrate judge's report and recommendation.

HOLDINGS

1. At the current stage of the proceeding, appointment of counsel was not required under the habeas rules, and the petitioner failed to demonstrate exceptional circumstances or that the interests of justice required discretionary appointment. The motion to appoint counsel was therefore denied.
2. A court will not grant a blanket extension of deadlines that do not yet exist. The petitioner must file a motion seeking additional time before the applicable deadline expires.

KEY QUOTATIONS

"At this stage in these proceedings, the court is not required to appoint counsel."

"A blanket extension of deadlines that do not yet exist will not be granted."

FACTUAL BACKGROUND

Gregory Wayne Carver, an indigent incarcerated pro se habeas petitioner, asserted that his petition presented complicated issues, that he lacked legal training and resources, and that counsel was needed before the State's response and any potential evidentiary hearing. He also sought a blanket extension of time to object to any adverse orders or future magistrate judge reports and recommendations. The court found no exceptional circumstances requiring counsel at that stage and no existing deadline that could be extended.

PROCEDURAL HISTORY

The petitioner filed a federal habeas petition and moved for appointment of counsel and an extension of time to object to any future adverse orders. The district court denied both motions without prejudice to reconsidering appointment of counsel later if circumstances warranted.

DISPOSITION

other

CASES CITED

- Wright v. West, 505 U.S. 277, 293 (1992)
- United States v. Alford, 816 F. App'x 375, 376 (11th Cir. 2020) (per curiam)

- Seibert v. Comm’r, Ga. Dep’t of Corr., 680 F. App’x 837, 841 (11th Cir. 2017) (per curiam)
- Bass v. Perrin, 170 F.3d 1312, 1320 (11th Cir. 1999)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION GREGORY WAYNE CARVER,) AIS # 326895,)) Petitioner,)) v.)
CASE NO. 1:26-CV-214-WKW) [WO] GWENDOLYN DAVIS,)) Respondent.)
MEMORANDUM OPINION AND ORDER Before the court are Petitioner Gregory Wayne Carver’s Motion to Appoint Counsel (Doc. # 2) and Motion to Enlarge Time to Object to Any Adverse Orders or Magistrate [Judge]’s Report and Recommendation (Doc. # 3).

Each motion will be addressed in turn. A. Motion to Appoint Counsel Petitioner has moved the court to appoint counsel. (Doc. # 2.) Generally, a federal habeas petitioner does not have a right to appointed counsel during habeas proceedings. See *Wright v. West*, 505 U.S. 277, 293 (1992).

The Rules Governing Section 2254 Cases in the United States District Courts contemplate the appointment of counsel in certain circumstances. First, the court must appoint counsel if such appointment is “necessary for effective discovery.” Rule 6(a), Rules Governing Section 2254 Cases in the United States District Courts [hereinafter Rules Governing § 2254 Cases].

Second, the court must appoint counsel “[i]f an evidentiary hearing is warranted.” Rule 8(c), Rules Governing § 2254 Cases. At any other stage of a habeas proceeding, the court is authorized, but not required, to appoint counsel for an indigent prisoner if it determines “that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B); see also Rule 8(c), Rules Governing § 2254 Cases (“These rules do not limit the appointment of counsel under § 3006A at any stage of the proceeding.”); 28 U.S.C. § 1915(e)(1) (allowing, but not requiring, the court to appoint an attorney for “any person unable to afford counsel”).

At this stage in these proceedings, the court is not required to appoint counsel. See Rules 6(a) and 8(c), Rules Governing § 2254 Cases. Therefore, Petitioner can be appointed counsel only if the court deems it necessary to “the interests of justice.” 18 U.S.C. § 3006A(a)(2)(B).

The court has broad discretion in deciding whether to appoint counsel in post-conviction proceedings such as these, and counsel should not be appointed unless the petitioner can demonstrate the existence of exceptional circumstances. See *United States v. Alford*, 816 F. App’x 375, 376 (11th Cir. 2020) (per curiam).

In his motion, Petitioner cites four reasons why he should have counsel appointed: (1) the petition sets forth complicated issues requiring sophisticated arguments; (2) Petitioner is an indigent prisoner proceeding pro se and incarcerated in a prison with limited resources; (3) Petitioner is unskilled in the law and needs counsel to be appointed so that his petition is well-articulated and completely understood; and (4) appointed counsel is needed prior to the State’s response so that

the petition can be timely amended and in advance of any potential evidentiary hearing to demonstrate why a hearing is necessary.

(Doc. # 2 at 1.) These circumstances are not the kind of exceptional circumstances that warrant the appointment of counsel. Although appointment of counsel might be helpful to Petitioner, “that is true for many pro se litigants and does not constitute an exceptional circumstance.” *Seibert v. Comm’r, Ga. Dep’t of Corr.*, 680 F. App’x 837, 841 (11th Cir. 2017) (per curiam) (citing *Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir.

1999)). Accordingly, Petitioner’s motion to appoint counsel (Doc. # 2) will be denied at this time. The court will reconsider this issue at a later date if warranted by the circumstances of this case. B. Motion to Enlarge Time to Object to Any Adverse Orders or Magistrate [Judge]’s Report and Recommendation Petitioner also has filed a motion essentially asking the court to extend the deadline for Petitioner to object to any and all adverse orders that may be entered in this case.

(Doc. # 3.) A blanket extension of deadlines that do not yet exist will not be granted. Accordingly, Petitioner’s motion (Doc. # 3) will be denied. If Petitioner finds himself in need of additional time to respond to orders issued in this case, he must file a motion asking for an extension of the deadline before the expiration of that deadline. C. Conclusion Based on the foregoing it is ORDERED that: (1) Petitioner’s Motion to Appoint Counsel (Doc. # 2) is DENIED; and (2) Petitioner’s Motion to Enlarge Time to Object to Any Adverse Orders or Magistrate [Judge]’s Report and Recommendation is DENIED.

DONE this 30th day of April, 2026. /s/ W. Keith Watkins UNITED STATES DISTRICT JUDGE