

**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.

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