

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Heath Allen Umphenour v. Donald C. Langford

Umphenour v. Langford · No. 26-3040-JWL · Decided April 1, 2026

SUMMARY

The United States District Court for the District of Kansas denies Heath Allen Umphenour’s motion for appointment of counsel in his 28 U.S.C. § 2254 habeas corpus proceeding. The court orders Respondent Donald C. Langford to answer the petition by June 1, 2026, and grants Petitioner until July 1, 2026, to file a traverse or reply.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	April 1, 2026
DOCKET	26-3040-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2254 petition for a writ of habeas corpus and moved for appointment of counsel. The district court denied appointment of counsel and ordered the respondent to answer the petition under Rules 4 and 5 of the Rules Governing Section 2254 Cases.
STANDARD OF REVIEW	For appointment of counsel, the court considers the merits of the claims, the nature and complexity of the factual and legal issues, and the petitioner's ability to investigate and present the claims. On initial review under Rule 4, the court determines whether the petition states a cognizable federal habeas claim warranting a response.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Heath Allen Umphenour v. Donald C. Langford

TOPICS

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

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Civil procedure

QUESTIONS PRESENTED

1. Whether the district court should appoint counsel for the petitioner in this federal habeas proceeding.
2. Whether the § 2254 petition passed initial review under Rule 4 and warranted a response from the respondent.

HOLDINGS

1. The petitioner was not entitled to appointed counsel because there is no constitutional right to counsel in a federal habeas action, and the interest of justice did not require appointment of counsel on the record presented.
2. The petition passed initial review under Rule 4, and the respondent was required to file an answer addressing the petition and specified procedural and merits issues.

KEY QUOTATIONS

“The Court concludes that the interest of justice does not require the appointment of counsel in this case.”

FACTUAL BACKGROUND

Heath Allen Umphenour is a Kansas state prisoner incarcerated at Ellsworth Correctional Facility. He filed a § 2254 petition demanding release from state custody and alleging violations of his federal constitutional rights, while asserting that he had exhausted available Kansas remedies. He also requested appointed counsel, arguing that he lacked financial resources and that the issues were complicated.

PROCEDURAL HISTORY

Umphenour, a Kansas state prisoner, filed a federal habeas petition challenging his custody and a motion for appointment of counsel. The court provisionally granted leave to proceed in forma pauperis, denied the motion for counsel, conducted its initial Rule 4 review, and ordered Respondent to file an answer addressing the petition, possible procedural bars, the need for an evidentiary hearing, and the merits.

DISPOSITION

other

CASES CITED

- *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)
- *Lomack v. Farris*, 2025 WL 397520, *1 (10th Cir. Feb. 4, 2025) (unpublished)
- *Coronado v. Ward*, 517 F.3d 1212, 1218 (10th Cir. 2008)
- *Swazo v. Wyoming Department of Corrections State Penitentiary Warden*, 23 F.3d 332, 333 (10th Cir. 1994)

- Steffey v. Orman, 461 F.3d 1218, 1223 (10th Cir. 2006)
- Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1115 (10th Cir. 2004)
- Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995)

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