

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ADRIAN HOWARD,

Movant,

V.

UNITED STATES OF AMERICA,

Respondent.

• •
• •
• •
• •
• •
• •
• •
• •
• •
• •
• •

No. 5:21-cr-00053-MTT-CHW-1

Civil Case No.: 5:24-cv-376-MTT-CHW

Proceedings Under 28 U.S.C. § 2255

Before the U.S. Magistrate Judge

ORDER

Before the Court is a Motion to Vacate, Set Aside, or Correct a Sentence pursuant to 28 U.S.C. § 2255 filed by Adrian Howard, *pro se*. (Doc. 90). After conducting an initial review in accordance with the provisions of Rule 4 of the Rules Governing Section 2255 Proceedings for the United States District Courts, the Court is unable to conclude that the instant Motion is subject to summary dismissal.

IT IS THEREFORE ORDERED that within **thirty (30) days** of the date of this Order, Movant shall amend his motion to include every unalleged possible constitutional error or deprivation entitling him to federal habeas corpus relief, failing which Movant will be presumed to have deliberately waived his right to complain of any constitutional errors or deprivations other than those set forth in his initial motion. If amended, Movant will be presumed to have deliberately waived his right to complain of any constitutional errors or deprivations other than those set forth in his initial and amended motions.

IT IS FURTHER ORDERED that the United States Attorney **RESPOND** to Movant's claims by filing an answer or other responsive pleading pursuant to Rule 5 of the Rules

Governing Section 2255 Proceedings for the United States District Courts within **sixty (60) days** of the date of this Order.

Motions to Appoint Counsel

Movant also seeks the appointment of counsel to assist him in filing a Section 2255 motion. (Docs. 88, 89). No constitutional right to counsel exists in Section 2255 proceedings. *See McGriff v. Dep't of Corrs*, 338 F.3d 1231, 1234 (11th Cir. 2003). Rather, the Court may appoint counsel for any financially eligible person seeking relief under section 2241, 2254, or 2255 of Title 28 if the “the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B).

At this early stage, it is not evident that “the interests of justice” weigh in favor of the appointment of counsel to assist Movant in advancing his Section 2255 argument. Accordingly, at present, Movant’s motions for appointment of counsel (Docs. 88, 89) are **DENIED**. Should it later become apparent to the Court that legal assistance is required to avoid prejudice to Movant’s rights, then the Court, **on its own motion**, will assist Movant in securing counsel at that time.

SO ORDERED, this 5th day of February, 2025.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge