

No. 20-\_\_\_\_\_

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

\_\_\_\_\_

DANIEL JOSEPH DAWSON, *Petitioner*,

v.

JEREMY LARSON, WARDEN, *Respondent*.

\_\_\_\_\_

**Motion For Leave to Proceed In Forma Pauperis**

\_\_\_\_\_

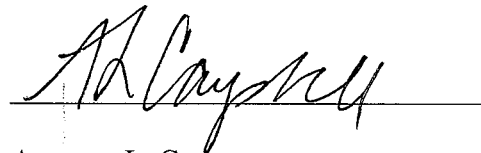
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Pursuant to Rule 39 of the Rules of this Court, the petitioner, Daniel Joseph Dawson, asks leave to file the attached Petition for Writ of Certiorari, without prepayment of costs, and to proceed *in forma pauperis*.

The Petitioner is currently represented by counsel appointed under the Criminal Justice Act, Title 18 USC §3006(a). Attached to this motion is the order appointing counsel at the trial level of the case.

Wherefore, Petitioner requests the Court grant his Motion for Leave to Proceed In Forma Pauperis.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read 'A. Campbell', is written over a horizontal line.

ANGELA L. CAMPBELL  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

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DANIEL JOSEPH DAWSON,

Petitioner,

v.

JEREMY LARSON, Warden,

Respondent.

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4:20-cv-00041-RP

**ORDER**

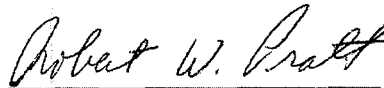
Daniel Joseph Dawson brought this pro se application for writ of habeas corpus under 28 U.S.C. § 2254. Respondent answered the petition and filed relevant state court documents. As directed, Dawson has filed a brief in support of his claims. As noted by Respondent, however, the brief does not contain any legal argument, factual basis, or statement as to exhaustion of each claim. *See* ECF No. 15. For these reasons, the Court **GRANTS** Respondent's motion to strike the pleading, ECF No. 16.

There is no constitutional or statutory right to counsel in habeas proceedings, and the appointment of counsel is left to the discretion of the court. *Morris v. Dormire*, 217 F.3d 556, 558 (8th Cir. 2000) (citing *McCall v. Benson*, 114 F.3d 754, 756 (8th Cir. 1997)). "In deciding whether to appoint counsel, the district court consider[s] 'the factual and legal complexity of the case, and the petitioner's ability both to investigate and to articulate his claims without court appointed counsel.'" *Id.* at 558-59. After considering the relevant factors, the Court finds Petitioner would benefit from the assistance of counsel. **The Clerk of Court is directed to find counsel to assist Petitioner.**

After reviewing the file and consulting with Dawson, counsel shall file an amended and substituted petition with an accompanying brief. The amended petition and new brief shall be filed on or before **June 26, 2020**. Respondent shall file a responsive brief thirty days after Petitioner files his brief.

IT IS SO ORDERED.

Dated this \_\_\_\_ 8th \_\_\_\_ day of May 2020.

A handwritten signature in cursive script, reading "Robert W. Pratt".

ROBERT W. PRATT, Judge  
U.S. DISTRICT COURT