

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWIN BADIA,

Petitioner,

-against-

CHRISTOPHER ARTUZ, Superintendent,
Green Haven Correctional Facility,

Respondent.

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EDWIN BADIA
84 A 1836
Fishkill Correctional Facility
Box 1245
Beacon, New York 12508
petitioner pro se.

CHARLES J. HYNES, Kings County District Attorney
(Ann Bordley, of counsel)
Municipal Building
210 Joralemon Street
Brooklyn, New York 11201
for respondent.

NICKERSON, District Judge:

By letter dated January 2, 1996, petitioner moved for appointment of counsel. That request was denied on January 11, 1996, to be reconsidered as the case progressed. On March 16, 1998 this Court ordered that

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it will hold a hearing to supplement and clarify the record concerning petitioner's ineffective assistance of counsel claim.

Cooper v. A. Sargenti Co., 877 F.2d 170 (2d Cir. 1989), articulates the factors the court must consider before appointing counsel for an indigent litigant:

(1) whether the indigent's position seems likely to be of substance, (2) the indigent's ability to investigate the crucial facts, (3) whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder, (4) the indigent's ability to present the case or obtain private counsel, (5) the complexity of the legal issues, (6) the availability of counsel, (7) and special reasons why appointment of counsel would be likely to lead to a more just determination.

The Court orders that the Clerk of Court appoint counsel for the petitioner in this case. The May 15, 1998 hearing ordered by this Court is postponed to permit petitioner's counsel time to prepare.

So ordered.

Dated: Brooklyn, New York
May 12, 1998

Eugene H. Nickerson
Eugene H. Nickerson, U.S.D.J.