



Next, Vaughn filed his petition for habeas corpus relief in the district court, alleging that he was denied his sixth amendment right to effective assistance of counsel, and that the state trial court should have conducted an evidentiary hearing and appointed counsel to represent him with respect to his post-conviction motion. The magistrate recommended that the petition be dismissed, and Vaughn filed objections. The district court adopted the magistrate's recommendation and dismissed the petition.

Upon consideration, we affirm the judgment of the district court for the reasons stated in the magistrate's proposed findings of fact and recommendation filed July 12, 1990, and adopted by the district court by its memorandum opinion filed August 24, 1990. Rule 9(b)(5), Rules of the Sixth Circuit. Simply put, petitioner cannot show that he would have insisted upon proceeding to trial under the circumstances of this case. *See Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Accordingly, petitioner's motion for the appointment of counsel is denied.

ENTERED BY ORDER OF THE COURT

  
Clerk



Next, Vaughn filed his petition for habeas corpus relief in the district court, alleging that he was denied his sixth amendment right to effective assistance of counsel, and that the state trial court should have conducted an evidentiary hearing and appointed counsel to represent him with respect to his post-conviction motion. The magistrate recommended that the petition be dismissed, and Vaughn filed objections. The district court adopted the magistrate's recommendation and dismissed the petition.

Upon consideration, we affirm the judgment of the district court for the reasons stated in the magistrate's proposed findings of fact and recommendation filed July 12, 1990, and adopted by the district court by its memorandum opinion filed August 24, 1990. Rule 9(b)(5), Rules of the Sixth Circuit. Simply put, petitioner cannot show that he would have insisted upon proceeding to trial under the circumstances of this case. *See Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Accordingly, petitioner's motion for the appointment of counsel is denied.

ENTERED BY ORDER OF THE COURT

  
Clerk

MANDATE ISSUED: 6/6/91

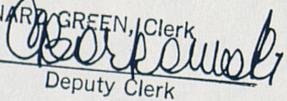
COSTS TAXED: NONE

A TRUE COPY

Attest:

LEONARD GREEN, Clerk

By

  
Deputy Clerk