

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1037

JOYCE BANIN; A. K., a minor child,
Plaintiffs - Appellants,

v.

BRIAN BYERSON,
Defendant - Appellee,

and

BIGGS J. BYERSON; JESSE THORTON; JOHN DOE; SECOND LIEUTENANT
DAVID WHITE; BRENDAN MILLER,

Defendants.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Liam O'Grady, District
Judge. (1:14-cv-00026-LO-TRJ)

Submitted: September 29, 2015 Decided: October 20, 2015

Before WILKINSON and WYNN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Joyce Banin, A.K., Appellants Pro Se. Kimberly Pace Baucom,
Assistant County Attorney, Jamie Marie Greenzweig, FAIRFAX
COUNTY ATTORNEY'S OFFICE, Fairfax, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joyce Banin, as next friend of her minor daughter, A.K.,* seeks to appeal the judgment entered on behalf of Defendant Brian Byerson in A.K.'s 42 U.S.C. § 1983 (2012) action. As Banin notes, nonattorney parents are prohibited from litigating the claims of their minor children in federal court. Myers v. Loudoun Cty. Pub. Schs., 418 F.3d 395, 401 (4th Cir. 2005). Although Banin retained counsel to represent A.K. in the district court, she has not retained counsel on appeal, despite ample opportunity to do so. Instead, she seeks appointment of counsel on A.K.'s behalf.

Litigants in a civil action are not constitutionally entitled to counsel. Williams v. Ozmint, 716 F.3d 801, 811 (4th Cir. 2013). Because we do not discern the exceptional circumstances required for appointment of counsel in a civil case, see Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir. 1984), abrogated on other grounds by Mallard v. U.S. Dist. Court, 490 U.S. 296, 298 (1989), we decline to appoint counsel on A.K.'s behalf.

Accordingly, we dismiss the appeal for want of counsel. We deny as moot A.K.'s motions for reconsideration and for

* Insofar as Banin attempts to appeal on her own behalf, she is not a proper party to the appeal, as voluntary amendment of the complaint eliminated all of Banin's claims for relief.

transcripts at government expense. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED