

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

LEE A. JEFFREY

PLAINTIFF

v.

CIVIL ACTION NO. 3:10CV-P357-H

CLARK TAYLOR *et al.*

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Plaintiff, Lee A. Jeffrey, acting without the assistance of counsel, filed this action pursuant to 42 U.S.C. § 1983. Upon initial review of the complaint pursuant to 28 U.S.C. § 1915A and *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997), the Court permitted the following claims to proceed for further development: 1) Jeffrey's § 1983 claim against Defendants Williams and Brian for violating his Eighth Amendment right to be free from cruel and unusual punishment; and 2) his state-law negligence claim as against all Defendants. The Court then entered a Scheduling Order to govern the development of the surviving claims. Currently before the Court is a motion by Jeffrey asking the Court to appoint counsel to represent him in this matter. In support of his motion, Plaintiff states that he is a layman without legal training, that the legal aide that helped him prepare his initial complaint is no longer available to assist him, and that he has various "medical conditions" that at times cause confusion and poor concentration.

Litigants do not possess a constitutional right to the appointment of counsel in a civil case. *See Lavado v. Keohane*, 992 F.2d 601, 605 (6th Cir. 1993). Rather, appointment of counsel lies exclusively within the court's discretion. Appointment of counsel is justified only in exceptional circumstances. *Id.* at 606. To determine whether exceptional circumstances exist, the court must consider the complexity of the issues involved and the ability of the plaintiff to

represent himself. *Id.* The Court finds that the complexity of the legal issues in this case does not necessitate the appointment of counsel at this time. While Jeffrey complains that “medical conditions” may impact his ability to conduct this litigation, he does not identify the conditions or explain their impact on his health. On the balance, the Court concludes that Jeffrey is able to access the courts and to represent himself adequately at this stage of the litigation. As such,

IT IS HEREBY ORDERED that the motion for appointment of counsel (DN 12) is **DENIED**.

Should his circumstances change, Jeffrey is free to renew his motion at a later date.

Date:

cc: Plaintiff, *pro se*
Counsel of record
4412.008