

Cite as 2011 Ark. 138

SUPREME COURT OF ARKANSAS

No. 11-106

KENNETH RAY PITTS
Appellant

v.

RAY HOBBS, DIRECTOR,
ARKANSAS DEPARTMENT OF
CORRECTION
Appellee

Opinion Delivered March 31, 2011

PRO SE MOTION FOR
APPOINTMENT OF COUNSEL
[LINCOLN COUNTY CIRCUIT
COURT, LCV 2010-100, HON. JODI
RAINES DENNIS, JUDGE]

MOTION DENIED.

PER CURIAM

Appellant is an inmate incarcerated in the Arkansas Department of Correction. He filed a petition for declaratory judgment and writ of mandamus in the circuit court of the county where he is incarcerated. In the petition, appellant sought to challenge the calculation of his parole eligibility. The circuit court entered an order that denied and dismissed the petition with prejudice, and appellant lodged this appeal. He now moves this court to appoint counsel to represent him. Because appellant provides no basis to do so, we deny the motion.

In the motion, appellant asserts as the primary basis for relief the fact that he is not a licensed attorney. He contends that because he is not licensed as an attorney, he does not have permission to practice before this court. Appellant alleges that he is unable to afford counsel, that a number of facts related to his incarceration will limit his ability to comply with the time restrictions for filing a brief, that counsel will be better able to present evidence and prepare the brief, and that counsel would prevent fraud by appellee's counsel. Finally, appellant asserts

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that where an appellant's case appears to have merit and other factors are met, then he should be appointed counsel.

Appellant's contention that he is not authorized to practice before this court is unfounded. Pro se litigants are permitted to represent their own interests. See *Preston v. Univ. of Ark. for Med. Scis.*, 354 Ark. 666, 128 S.W.3d 430 (2003). "It is generally conceded that an individual who is not a licensed attorney can appear in the courts and engage in what is commonly conceded to be practicing law provided he does so for himself and in connection with his own business." *Id.* at 678, 128 S.W.3d at 437 (quoting *Ark. Bar Ass'n v. Union Nat'l Bank of Little Rock*, 224 Ark. 48, 51, 273 S.W.2d 408, 410 (1954)). Appellant is not barred from proceeding before this court if counsel is not appointed.

The matter here is a civil one. There is no right to counsel in a postconviction proceeding or a civil action such as this. *Virgin v. Lockhart*, 288 Ark. 92, 702 S.W.2d 9 (1986) (per curiam). Nevertheless, this court has held that if an appellant makes a substantial showing that he is entitled to relief and that he cannot proceed without counsel, it will appoint counsel. *Smith v. State*, 2010 Ark. 302 (per curiam). Although appellant asserts that he should be appointed counsel if his case appears to have merit, he makes no demonstration that it does. As a result, he fails to show any basis for granting the motion.

Motion denied.