

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-3125

Anthony P. Lane,

Appellant,

v.

Michael J. Astrue, Commissioner,
Social Security Administration,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: May 15, 2008

Filed: May 30, 2008

Before BYE, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

In this interlocutory appeal, Anthony P. Lane appeals the district court's¹ order denying his motion for appointment of counsel. We find no abuse of discretion. See Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006) (there is no statutory or constitutional right to appointed counsel in civil case; discussing factors). However, it appears from documents Lane filed near the time of the August 2007

¹The Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

order at issue, and from his filings in this court, that his mental status has changed and that he and the district court might now benefit from the appointment of counsel.

Accordingly, we affirm but we clarify that the district court's order is without prejudice to Lane's right to renew his request for counsel as the case progresses. See Nelson v. Shuffman, 476 F.3d 635, 636 (8th Cir. 2007) (per curiam).
