

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RYAN LAMAR THOMAS, #250601,      )  
    )  
Plaintiff,                                )  
    )  
v.   )      CASE NO. 2:13-CV-653-WKW  
  )      [WO]  
WARDEN LOUIS BOYD, et al.,          )  
    )  
Defendants.                             )

**ORDER**

Proceeding *pro se*, Plaintiff Ryan Lamar Thomas, an inmate incarcerated by the Alabama Department of Corrections (“ADOC”), filed this civil rights suit against five Defendants, including Officers Stacey C. Singleton and Bruce LaFogg. Plaintiff’s Eighth Amendment claims against Singleton and LaFogg for use of excessive force survived summary judgment. Plaintiff moves for the appointment of counsel to represent him during the jury trial (Doc. # 42), which is set on the April 3, 2017 term of court. For the reasons to follow, the motion is due to be granted.

The district court has broad discretion when determining whether to appoint counsel for an indigent plaintiff under 28 U.S.C. § 1915(e)(1), but should do so “only in exceptional circumstances.” *Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir. 1999); *Williams v. Plantation Police Dep’t*, 379 F. App’x 866, 871 (11th Cir. 2010). After careful consideration of the legal, factual, and procedural issues, the court finds

that Mr. Thomas requires the assistance of counsel to present the merits of his case to a jury and the appointment of counsel at this stage of the proceedings “would advance the proper administration of justice.” *Ulmer v. Chancellor*, 691 F.2d 209, 213 (5th Cir. 1982) (setting forth factors the court should consider in determining whether exceptional circumstances exist to warrant appointment of counsel) (cited with approval in *Fowler v. Jones*, 899 F.2d 1088, 1096 (11th Cir. 1990)).

Accordingly, it is ORDERED that Plaintiff’s motion for appointment of counsel (Doc. # 42) is GRANTED.

It is further ORDERED that Joel Thomas Caldwell, Esq., of Copeland, Franco, Screws & Gill, P.A., is appointed to represent Mr. Thomas in this action. Within ten days of the date of this Order, Mr. Caldwell shall file a Notice of Appearance.

DONE this 28th day of September, 2016.

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/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE