

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DEXTER HAMILTON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:15-cv-02230-LSC-TMP
)	
WARREN GIVAN, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

The magistrate judge filed a report on December 13, 2016, recommending this action be dismissed, pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief can be granted. (Doc. 17). The plaintiff has responded to the motion by submitting a document titled “Motion to Object,” in which he appears to seek appointment of counsel pursuant to 18 U.S.C. § 3006A, but includes no direct objections to the magistrate judge’s findings. (Doc. 19). The code section cited by the plaintiff refers to appointment of counsel for persons charged with federal crimes, and has no bearing on the plaintiff’s civil claims here.¹

¹ The plaintiff previously filed a motion for appointment of counsel on September 6, 2016. (Doc. 14). However, there is no constitutional right to counsel in a civil case. *Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir. 1999). Appointment of counsel in a civil action is justified only by

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the plaintiff's response thereto, the magistrate judge's report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Therefore, in accordance with 28 U.S.C. § 1915A(b)(1), this action is due to be dismissed without prejudice for failing to state a claim upon which relief can be granted.

A Final Judgment will be entered.

DONE AND ORDERED ON JANUARY 26, 2017.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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exceptional circumstances, such as novel or complex litigation. *Fowler v. Jones*, 899 F.2d 1088, 1096 (11th Cir. 1990). The plaintiff's complaint presents neither novel nor complex issues, and nothing in the motion shows that appointment of counsel is warranted. Accordingly, the motion (doc. 14) is **DENIED**.