

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

MARK S. LEWIS

PLAINTIFF

v.

CASE NO: 3:11CV00153 BSM

**CLAY COUNTY
DETENTION CENTER et al.**

DEFENDANTS

ORDER

On August 10, 2011, Plaintiff Mark S. Lewis filed a letter [Doc. No. 6] requesting appointment of counsel and an extension of time to file objections to a recommendation [Doc. No. 4] entered by United States Magistrate Judge H. David Young.

It is well settled that a *pro se* litigant has no statutory or constitutional right to have counsel appointed in a civil case. *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). A discretionary appointment of counsel is appropriate, however, if the plaintiff has stated a legally sufficient claim and the nature of the litigation is such that the plaintiff, as well as the court, will benefit from the assistance of counsel. *See Johnson v. Williams*, 788 F.2d 1319, 1322 (8th Cir. 1986). In making this determination, the following factors must be weighed and considered: (1) the factual and legal complexity of the case; (2) the plaintiff's ability to investigate the facts; (3) the presence or absence of conflicting testimony; and (4) the plaintiff's ability to present his claims. *Id.* at 1322-23. These factors are not an exclusive checklist, and the "weight to be given any one factor will vary with the case." *Id.* at 1323. *See also Stevens*, 146 F.3d at 546; *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996).

Lewis's claims are not legally or factually complex. Furthermore, it appears from the

record that Lewis is capable of presenting his claims without the benefit of appointed counsel. Therefore, the pertinent factors do not weigh in favor of appointment of counsel at this time. Accordingly, Lewis's request for appointed counsel is DENIED. Lewis's request for additional time to respond to the pending findings and recommendations, however, is GRANTED, and any objections plaintiff wishes to file are due no later than September 2, 2011.

IT IS SO ORDERED this 15th day of August 2011.


UNITED STATES DISTRICT JUDGE