

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

JAMES JOHNSON
#M28313

PLAINTIFF

v.

3:17CV00008-DPM-JTK

DAVIS GLADY, *et al.*

DEFENDANTS

ORDER

Pending is Plaintiff's motion to appoint counsel (Doc. No. 26). As explained in the Court's Initial Order for Pro Se Plaintiffs, this is a civil case and Plaintiff has no right to an appointed lawyer (Doc. No. 5). See Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998) (pro se litigant does not have statutory or constitutional right to appointed counsel in civil case). At this point, the Court finds that the factual and legal complexity of the case, the Plaintiff's ability to investigate the facts, the presence or absence of conflicting testimony, and the Plaintiff's ability to present his claims do not weigh in favor of appointing counsel. See Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006). Accordingly, Plaintiff's motion is DENIED without prejudice.

IT IS SO ORDERED this 27th day of December, 2017.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE