

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

RYAN ANTHONY JOHNSON

PLAINTIFF

CASE NO. 3:17-CV-00093-JM-BD

ARKANSAS STATE UNIVERSITY, et al.

DEFENDANT

ORDER

Plaintiff Ryan Anthony Johnson filed this case *pro se*, along with an application to proceed *in forma pauperis*, and a motion to appoint counsel. (Docket entries #1, #2 and #3) Judge James M. Moody Jr. has referred the case to this Court for disposition of all pretrial matters. (#4)

Mr. Johnson's motion to proceed *in forma pauperis* is GRANTED. The Clerk of the Court is directed to prepare summonses for the Defendants, and the United States Marshal is directed to serve the summonses, copies of the complaint, and this order on Charles L. Welch, Lynita Cooksey, William R. Stripling, and Richard Burns at Arkansas State University, 2105 Aggie Road, Jonesboro, Arkansas 72401; and on Tim Hudson, at Austin Peay State University, 601 College Street, Clarksville, Tennessee 37044, without prepayment of fees and costs.

Mr. Johnson has also moved for appointed counsel. (#3) A *pro se* litigant has no statutory or constitutional right to appointed counsel in a civil case. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). A court may, in its discretion, appoint counsel for a *pro se* litigant if convinced that the plaintiff has stated a non-frivolous claim and that the nature

of the litigation is such that both the plaintiff and the court would benefit from the appointment of counsel. *Henderson v. Cypress Media, Inc.*, 502 F. App'x 634 (8th Cir. 2013) (citing *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 2996)).

Mr. Johnson has indicated that he has made an effort to obtain counsel but has been unable to secure legal representation. The Court has thoroughly reviewed the pleadings and believes, at this stage of the proceedings, that Mr. Johnson is capable of presenting his claims. Additionally, the Court is not convinced at this stage that the court would benefit from the assistance of counsel. Accordingly, Mr. Johnson's motion for appointment of counsel (#3) is DENIED.

IT IS SO ORDERED this 5th day of May, 2017.



UNITED STATES MAGISTRATE JUDGE