

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

FRED MICHAEL LAMERE,
ADC #100444

PLAINTIFF

V.

4:12-cv-00048-JLH-JTK

BRUCE PENNINGTON, et al.

DEFENDANTS

ORDER

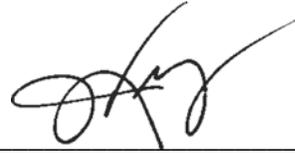
This matter is before the Court on Plaintiff's Motion for Reconsideration of the Court's January 30, 2012 Order denying his Motion to Appoint Counsel (Doc. No. 8).

While a pro se litigant has no statutory or constitutional right to appointed counsel in a civil case, Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998), the Court may, in its discretion, appoint counsel for non-frivolous claims where "the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." Johnson v. Williams, 788 F.2d 1319, 1322 (8th Cir. 1986). In evaluating Plaintiff's request, the Court considered four factors: (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.

Having considered the above factors, the Court finds that Plaintiff's Motion should be denied at this time. Plaintiff's claims are not legally or factually complex, and the record demonstrates Plaintiff is capable of proceeding without the benefit of appointed counsel. Accordingly,

IT IS THEREFORE ORDERED that Plaintiff's Motion for Reconsideration (Doc. No. 18) is DENIED.

IT IS SO ORDERED this 13th day of February, 2012.

A handwritten signature in black ink, appearing to read 'JK', is positioned above a horizontal line.

JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE