

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

ROBERT SOTO,  
ADC # 128324

PLAINTIFF

V.

5:10-cv-00212-JMM-JTK

RAY HOBBS, et al.

DEFENDANTS

**ORDER**

This matter is before the Court on Plaintiff's motion for reconsideration of its August 20, 2010 Order denying his motion for the appointment of counsel (Doc. No. 34). In support of his motion, Plaintiff states that an inmate who assisted him in filing his lawsuit is no longer available to help him.

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 for reconsideration should be DENIED. Plaintiff's claims are not legally or factually complex, and the record demonstrates Plaintiff is capable of proceeding without the benefit of appointed counsel. Although Plaintiff states he no longer has the assistance of a fellow inmate, Plaintiff does not state he lacks access to the Unit law library or to other resources which are available to most inmates.

Thus, the Court concludes that the pertinent factors do not weigh in favor of appointment of counsel at this time.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Reconsideration (Doc. No. 34) is DENIED.

DATED this 10<sup>th</sup> day of September, 2010.



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UNITED STATES MAGISTRATE JUDGE