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

BARRY ISAAC MORROW ADC #143825 **PLAINTIFF**

v. CASE NO. 5:10CV00286

ARKANSAS DEPARTMENT OF CORRECTION, ET. AL.

DEFENDANTS

ORDER

Pending is Plaintiff's motion to appoint counsel, for extension of time and to compel (docket entry #23).

Plaintiff asks the Court to appoint legal counsel to represent him in this case. "Indigent civil litigants do not have a constitutional or statutory right to appointed counsel." *Edgington v. Missouri Dept. of Corrections*, 52 F.3d 777, 780 (8th Cir. 1995). "The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim." *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996). The Court finds that the factual and legal issues raised in the complaint are not so complex as to warrant appointment of counsel at this time. In the interest of justice, the Court will allow Plaintiff up to and including April 11, 2011, in which to file his objections to the proposed findings and recommendations. Plaintiff's motion to compel is denied.

IT IS SO ORDERED this 28th day of March, 2011.

James M. Moody
United States District Judge