

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

BILLY THORNTON, JR.,
ADC #89174

PLAINTIFF

V.

5:11-cv-00066-JLH-JTK

MARVIN EVANS, JR., et al.

DEFENDANTS

ORDER

This matter is before the Court on Plaintiff’s Motion to Appoint Counsel and for Discovery (Doc. No. 15).

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.

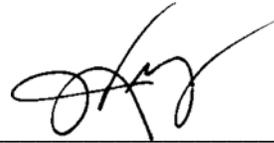
Having considered the above factors, the Court finds that Plaintiff’s Motion should be denied at this time. Plaintiff’s claims are not legally or factually complex, and the record demonstrates Plaintiff is capable of proceeding without the benefit of appointed counsel.

In addition, Plaintiff’s Motion for Discovery is actually a Request for Discovery from the Defendants. Accordingly,

IT IS THEREFORE ORDERED that Plaintiff's Motion to Appoint Counsel (Doc. No. 15) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Discovery (Doc. No. 15) should be re-docketed as a Request for Discovery from Defendants.

IT IS SO ORDERED this 26th day of May, 2011.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE