

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

MICHAEL TODD

PLAINTIFF

Civil No. 4:13-cv-4058-SOH-BAB

JOHNNY GODBOLT *et al*

DEFENDANTS

**ORDER**

**BEFORE** the Court is Plaintiff's Motion for Recusal ECF No. 18) and Motion to Appoint Counsel (ECF No. 23). Defendants have not responded to the Motion to Appoint Counsel.

1. Motion for Recusal: Plaintiff seeks to have the undersigned recuse himself from this case. As a basis for this motion he indicates the Defendants have been directed to file a motion for summary judgment. The Court's typical scheduling order directs the defendants to either file a motion for summary judgment or indicate material issues of facts exist. There is no basis for recusal in this matter. Further, the undersigned is a referral judge handling pre-trial matters. The final disposition or trial of this matter will be before United States District Judge Susan O. Hickey. Accordingly, the Motion for Recusal (ECF No. 18) is **DENIED**.

2. Motion to Appoint Counsel: A civil litigant does not have a constitutional or statutory right to appointed counsel in a civil action but the Court may appoint counsel at its discretion. 28 U.S.C. § 1915(e)(1). The Court has considered plaintiff's need for an attorney, the likelihood that plaintiff will benefit from assistance of counsel, the factual complexity of the case, the plaintiff's ability to investigate and present his case. In considering these factors, the Court finds that Plaintiff's claims that he was denied adequate medical care and subjected to unconstitutional conditions of

confinement do not appear legally or factually complex. It appears he is capable of prosecuting his claims without appointed counsel. Plaintiff's Motion to Appoint Counsel (ECF No. 23) is hereby **DENIED.**

**ENTERED** this **30th day of October, 2015.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
UNITED STATES MAGISTRATE JUDGE