

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

BARRY D. LONDON

PLAINTIFF

v.

No. 14-CV-6017

WENDY KELLEY; DR. L. MURPHY;  
DR. J. JONES; and DR. M. KIRK, JR.

DEFENDANTS

**ORDER**

Now on this 23rd day of September, 2015, there comes on for consideration the report and recommendation (Doc. 56) filed by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas, in regard to a motion for summary judgment (Doc. 41) filed by Defendant Wendy Kelley and a motion for summary judgment (Doc. 49) filed by Defendants Dr. Anne Murphy, Dr. Marvin Kirk, and Jeffrey Jones. Also before the Court are Plaintiff's objections to the report and recommendation (Doc. 58), and Plaintiff's motion to appoint counsel (Doc. 57).

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, Plaintiff's ability to investigate and present his case, and the complexity of the legal issues. In considering these factors, the Court finds Plaintiff's case is not legally or factually complex, and it appears that he has been capable of investigating and presenting his case. The Court finds it unlikely that Plaintiff would benefit materially from assistance of counsel. Plaintiff's motion to appoint counsel (Doc. 57) is accordingly DENIED.

The Court has reviewed this case *de novo* and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is ADOPTED in its entirety. Accordingly, the motion for summary judgment filed by Defendant Wendy Kelley (Doc. 41) is GRANTED; and the motion for summary judgment filed by Defendants Dr. Anne Murphy, Dr. Marvin Kirk, and Jeffrey Jones (Doc. 49) is GRANTED. Plaintiff's motion to appoint counsel (Doc. 57) is DENIED as stated above. Plaintiff's Complaint (Doc. 1) and the supplement thereto (Doc. 23) are DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge