

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

EDWIN F. WASHINGTON,

Plaintiff,

v.

CASE NO. 5:08-cv-00177-RS -GRJ

JAMES M. CRUTCHFIELD, et al,

Defendants.

_____ /

ORDER

Presently before the Court is Plaintiff’s Motion for Leave to File Amended Complaint. (Doc. 30.) Plaintiff filed the motion in response to the Court’s January 6, 2011 show cause order, which the Court entered after no activity had taken place in this case for two years. (Doc. 28.) In his present motion, Plaintiff has failed to explain the reasons for the proposed amendment and has failed to attach the proposed amended complaint as required by N. D. Fla. Loc. R. 15.1. However, because the Court already ordered Plaintiff to file an amended complaint in the Court’s October 2008 Order (Doc. 9) Plaintiff does not need to file a motion. Plaintiff may file the amended complaint.

Plaintiff also requests appointment of counsel. There is no constitutional right to counsel in civil cases. Appointment of counsel is only warranted in exceptional circumstances. It is only in circumstances where “core facts” are in dispute or the legal issues are so novel or complex that counsel may be appointed. Fowler v. Jones, 899 F.2d 1088 (11th Cir. 1990) (appointment of counsel is a privilege, not a right). It is always within the broad discretion of the Court to make this determination. Bass v. Perrin, 170 F.3d 1312 (11th Cir. 1999). At this juncture appointment of counsel is not

warranted.

Finally, as the Court advised in its January 6, 2011 Show Cause Order, this case has languished on the docket for two years without Plaintiff taking any action to advance this case. The Court instructed Plaintiff in considerable detail about the deficiencies in his original complaint and directed Plaintiff to file an amended complaint by October 7, 2008. While Plaintiff failed to file an amended complaint by that date, the Court will afford Plaintiff one last opportunity to file an amended complaint in its entirety before the Court will recommend that this cause be dismissed.

Accordingly, it is **ORDERED**:

1. Plaintiff's Motion for Leave to File an Amended Complaint (Doc. 30) is **GRANTED** to the extent that Plaintiff will have one last opportunity to file an amended complaint.

2. Plaintiff shall file an amended complaint on or before **February 4, 2011**, failing which the Court will recommend that this case be dismissed. No further extensions of time will be granted.

DONE AND ORDERED this 19th day of January, 2011.

s/ Gary R. Jones
GARY R. JONES
United States Magistrate Judge