BALL v. ALLEN et al Doc. 7

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

TRAVIS BALL, :

:

Plaintiff, :

VS. : NO. 5:24-cv-314-CAR-CHW

•

Lt. KEITH ALLEN;

et al.,

:

Proceedings Under 42 U.S.C. §1983

Defendants. : Before the U.S. Magistrate Judge

ORDER

Plaintiff filed a motion requesting that the Court appoint counsel to represent him in his lawsuit brought pursuant to 42 U.S.C. § 1983. ECF No. 5. As this is Plaintiff's first request for counsel, the Court advises Plaintiff that "[a]ppointment of counsel in a civil case is not a constitutional right." *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1985). Appointment of counsel is a privilege that is justified only by exceptional circumstances. *Id.* In deciding whether legal counsel should be provided, the Court considers, among other factors, the merits of Plaintiff's claim and the complexity of the issues presented. *Holt v. Ford*, 862 F.2d 850, 853 (11th Cir. 1989).

¹ The federal *in forma pauperis* statute authorizes courts to "request an attorney to represent any person unable to afford counsel." 28 U.S.C. § 1915(e)(1). The statute does not, however, provide any funding to pay attorneys for their representation or authorize courts to compel attorneys to represent an indigent party in a civil case. *See Mallard v. U.S. Dist. Ct. for S. Dist. of Iowa*, 490 U.S. 296 (1989).

In accordance with *Holt*, and upon a review of the record in this case, the Court

notes that Plaintiff has set forth the essential factual allegations underlying his claims, and

that the applicable legal doctrines are readily apparent. As such, Plaintiff's Motion for

Appointment of Counsel is **DENIED**. ECF No. 5. Should it later become apparent that

legal assistance is required in order to avoid prejudice to Plaintiff's rights, the Court, on its

own motion, will consider assisting him in securing legal counsel at that time.

Consequently, there is no need for Plaintiff to file additional requests for counsel.

SO ORDERED, this 20th day of November, 2024.

s/ Charles H. Weigle

Charles H. Weigle

United States Magistrate Judge