

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

2019 JUN -3 PM 4:00

CLERK E. Pome
SO. DIST. OF GA.

GEORGE A. DEMPSEY,)
)
Plaintiff,)
)
v.)
)
ANN ELMORE, Assistant)
District Attorney, et al.,)
)
Defendants.)
_____)

CASE NO. CV407-141

O R D E R

Before the Court are Plaintiff George A. Dempsey's Motion for Leave to Appeal In Forma Pauperis and to Appoint Counsel (Doc. 203), and Motion for Reconsideration (Doc. 204). For the following reasons, Plaintiff's Motion for Leave to Appeal In Forma Pauperis and to Appoint Counsel is **GRANTED IN PART** and **DENIED IN PART**, and Motion for Reconsideration is **DENIED**.

Pursuant to Federal Rule of Appellate Procedure 24(a)(3),

[a] party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless . . . the district court - before or after the notice of appeal is filed - certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis

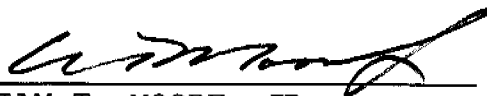
In the instant action, Plaintiff was permitted to proceed in forma pauperis in this Court, and the Court finds that his

appeal is not taken in bad faith. Accordingly, Plaintiff's request to proceed in forma pauperis on appeal is **GRANTED**.

In his Motion, Plaintiff also requests that the Court appoint counsel to represent him on appeal. The appointment of counsel in civil cases is not a constitutional guarantee. Wahl v. McIver, 773 F.2d 1169, 1174 (11th Cir. 1985) (citing Mekdeci v. Merrell Nat'l Labs., 711 F.2d 1510, 1522 n.19 (11th Cir. 1983)). Rather, "[i]t is a privilege that is justified only by exceptional circumstances." Id. (citing Lopez v. Reyes, 692 F.2d 15, 17 (5th Cir. 1982)). After careful consideration, the Court finds no exceptional circumstances exist in this case warranting the appointment of counsel on appeal. Accordingly, Plaintiff's request is **DENIED**.

In his Motion for Reconsideration, Plaintiff again requests that this Court reconsider its March 23, 2010 Order. As stated in the Court's previous Order denying Plaintiff's first Motion for Reconsideration, the Court finds no reason to disturb its prior Order. (See Doc. 194.) Accordingly, Plaintiff's Motion is **DENIED**.

SO ORDERED this 3rd day of June 2010.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA