

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN**

JUNIOR RAY CRAFTON

PLAINTIFF

v.

CIVIL ACTION NO. 1:08-CV-123-R

JOSH EARL et al.

DEFENDANTS

MEMORANDUM AND ORDER

Plaintiff, Junior Ray Crafton, has filed a *pro se, in forma pauperis* complaint (DN 1). He has also filed a Motion for Appointment of Counsel (DN 4), in which he asks this Court to appoint counsel for him because he cannot afford an attorney.

In a civil case, appointment of counsel is not a constitutional right. *Lavado v. Keohane*, 992 F.2d 601, 605 (6th Cir. 1993). Title 28, United States Code, section 1915(e)(1) indicates that court-enlisted assistance of counsel is not mandatory, but merely a matter of discretion. *See Martin v. Harvey*, 14 F. App'x. 307, 310 (6th Cir. 2001). Furthermore, appointment of counsel is justified only in exceptional circumstances. *Lavado*, 992 F.2d at 606. The relevant factors that must be looked at in determining if exceptional circumstances exist are the complexity of the issues involved and the ability of the plaintiff to represent himself. *Id.*

The Court finds that the complexity of the legal issues in this case does not necessitate the appointment of counsel. Further, based on the pleadings filed thus far, it appears that Plaintiff is familiar with the workings of the legal system and is able to sufficiently represent himself at this time. Plaintiff has not set forth any exceptional circumstances warranting appointment of counsel at this time.

Therefore, **IT IS ORDERED** that the motion for appointment of counsel (DN 4) is **DENIED**.

Date:

cc: Plaintiff, *pro se*
Defendants

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