

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

**CHARLES BISHOP**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 1:10CV-P115-R**

**K. JOHNSON**

**DEFENDANT**

**MEMORANDUM AND ORDER**

Plaintiff Charles Bishop has filed a motion to appoint counsel (DN 11). He states that, although he has been able to represent himself thus far, now that his case has reached the “sensitive discovery stage” there are extenuating circumstances justifying appointment of counsel due to the constrictions he faces as a prisoner.

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 able to sufficiently represent himself at this time.

The mere fact of Plaintiff's incarceration does not distinguish this case from many others in which prisoners prosecute their cases without assistance from counsel. Plaintiff has not set forth any exceptional circumstances warranting appointment of counsel at this time. Therefore,

**IT IS ORDERED** that the motion to appoint counsel (DN 11) is **DENIED**.

Date:

cc: Plaintiff, *pro se*  
Defendant  
Warren County Attorney  
4413.009