

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION**

ROSHAUN QUARLES

PLAINTIFF

v.

CIVIL ACTION NO. 5:18-CV-P7-TBR

BRAD BOYD et al.

DEFENDANTS

MEMORANDUM AND ORDER

Plaintiff, *pro se*, has filed a motion for appointment of counsel in this 42 U.S.C. § 1983 civil rights case. As reason, he states that he has a Sixth Amendment right to effective counsel.

Although a criminal defendant is guaranteed assistance of counsel in proceedings against him, it is well-established that the right to counsel in a civil case, like this one, is not a matter of constitutional right under the Sixth Amendment. *MacCuish v. United States*, 844 F.2d 733, 735 (10th Cir. 1988); *see also 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 in a civil case, 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. The factual and legal issues involved in this case are relatively simple and do not amount to “exceptional circumstances” that would weigh in favor of appointing counsel. Moreover, based on the progression of this case to date, it appears that Plaintiff “is articulate and able to represent himself sufficiently at this time.” *Baker v. Boyd*,

No. 5:11-CV-P59-R, 2012 WL 4099165, at *2 (W.D. Ky. Sept. 17, 2012). Plaintiff has not set forth any exceptional circumstances warranting appointment of counsel at this time.

IT IS ORDERED that Plaintiff's motion (DN 5) is **DENIED**.

Date: April 12, 2018

The image shows a handwritten signature in black ink that reads "Thomas B. Russell". The signature is written in a cursive style. Behind the signature is a circular seal of the United States District Court for the Western District of Kentucky. The seal features an eagle with wings spread, perched on a shield, with the words "UNITED STATES DISTRICT COURT" and "WESTERN DISTRICT OF KENTUCKY" around the perimeter.

**Thomas B. Russell, Senior Judge
United States District Court**

cc: Plaintiff, *pro se*
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