

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DAMON FLOYD WILLIAMS

CIVIL ACTION

VERSUS

NO. 11-160

ST. CHARLES PARISH SHERIFF
GREG CHAMPAGNE, ET AL.

SECTION "F"

ORDER & REASONS

Before the Court is the plaintiff's appeal of the magistrate judge's ruling, in which the magistrate judge denied the plaintiff's motion for the appointment of counsel. For the following reasons, the magistrate judge's ruling is AFFIRMED.

Background

This case arises from the alleged harassment and abuse suffered by the plaintiff, Damon Williams, while incarcerated in the St. Charles Parish Correctional Center.

Magistrate Judge Sally Shushan denied the plaintiff's motion for appointment of counsel. Williams now appeals that ruling to this Court.

I.
Standard of Review

A magistrate judge is afforded broad discretion in the resolution of non-dispositive motions. See Fed.R.Civ.P. 72(a); see also 28 U.S.C. § 636(b)(1)(A). If a party objects to a magistrate judge's ruling on a non-dispositive matter, the Court will disturb a magistrate's ruling only when the ruling is "clearly erroneous or contrary to law." See Fed.R.Civ.P. 72(a); see also Castillo v.

Frank, 70 F.3d 382, 385 (5th Cir. 1995); Perles v. Kagy, 394 F. Supp. 2d 68, 70 n.6 (D. D.C. 2005) (agreeing with other district courts' application of clearly erroneous standard to magistrate judge's denial of a motion to intervene).

II.

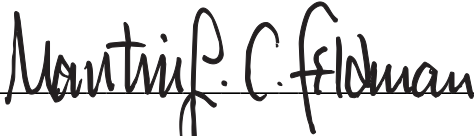
Motion for Appointment of Counsel

In an Order dated July 19, 2011, the plaintiff's request for counsel was denied. Magistrate Judge Shushan reasoned that Williams' claims are neither factually nor legally complex, and there is no indication that extensive discovery or investigation will be required, or that a trial will require skills beyond the plaintiff's capabilities.

Although Williams contends otherwise, Magistrate Shushan's determination that "exceptional circumstances" are not present in this case is not clearly erroneous nor is it contrary to law. Norton v. Dimazana, 122 F.3d 286, 293 (5th Cir. 1997). The appointment of counsel in this case is not warranted.

Accordingly, the Magistrate Judge's Order of July 19, 2011, as it pertains to the appointment of counsel is AFFIRMED. The plaintiff's appeal is DENIED.

New Orleans, Louisiana, August 5, 2011.


MARTIN L. C. FELDMAN
UNITED STATES DISTRICT JUDGE