

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JASPER LEE BRANCH, JR.

CIVIL ACTION

v.

NO. 11-2912

PATRICK R. DONAHOE, ET AL.

SECTION "F"

ORDER AND REASONS

Before the Court is the plaintiff's motion to appoint counsel. Appointment of counsel is warranted in civil cases such as this one only where exceptional circumstances are presented. See Ayer v. United States, 91 F.3d 141 (5th Cir. 1996). When considering a request for appointed counsel, the Court considers four factors: (1) the type and complexity of the case; (2) whether the requesting party is capable of adequately presenting his case; (3) whether the requesting party is in a position to adequately investigate the case; and (4) whether the evidence will consist in large part of conflicting testimony so as to require skill in the presentation of evidence and cross-examination. See Ulmer v. Chancellor, 691 F.2d 209, 213 (5th Cir. 1982). Having considered these factors, the Court finds that appointment of counsel is not warranted. The plaintiff's complaint appears to be challenging action taken by the Equal Employment Opportunity Commission, presumably in connection with the plaintiff's employment with the U.S. Postal Service. There is nothing to suggest that the plaintiff's claim is factually

or legally complex, and nothing to suggest that Branch is incapable of adequately presenting his case. Moreover, there is no indication that extensive discovery or investigation will be required or that the trial, if one is necessary, will require skills beyond the plaintiff's capabilities. Accordingly, the plaintiff's motion to appoint counsel is DENIED.

New Orleans, Louisiana, January 23, 2012



MARTIN L. C. FELDMAN
UNITED STATES DISTRICT JUDGE