

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**MOHAMMED S. EL-HANINI**

**CIVIL ACTION**

**VERSUS**

**NO. 17-1127**

**UNITED STATES MARSHALS  
SERVICE, ET AL.**

**SECTION: "F"(1)**

**ORDER**

Plaintiff has filed motions for the appointment of a guardian ad litem and appointment of counsel. Rec. Docs. 8 and 10. For the following reasons, those motions are **DENIED**.

Plaintiff's request for a guardian ad litem was based on the fact that he had been found incompetent to proceed to trial in his federal criminal case; however, Judge Ivan Lemelle recently entered an order in that case finding that plaintiff had been restored to competency. United States v. El-Hanini, Crim. Action No. 15-199 (E.D. La.) (Rec. Doc. 55). Accordingly, the appointment of a guardian ad litem is not warranted.

As to plaintiff's request for the appointment of counsel, it is clear that "[a] district court should appoint counsel in a civil rights case only if presented with *exceptional* circumstances." Norton v. Dimazana, 122 F.3d 286, 293 (5th Cir. 1997) (emphasis added). Having considered that fact, as well as the factors set forth in Ulmer v. Chancellor, 691 F.2d 209, 213 (5th Cir. 1982), the Court finds that appointment of counsel is likewise unwarranted. Plaintiff's claims in this lawsuit are neither factually nor legally complex. Moreover, there is no indication that extensive discovery or investigation will be required or that a trial, if one is necessary, will require skills beyond plaintiff's capabilities.

Plaintiff has also filed a motion to compel discovery. Rec. Doc. 9. That motion is **DENIED WITHOUT PREJUDICE** as premature. At this point, plaintiff's complaint is still undergoing the screening process mandated by federal law, and the defendant has not even been served. Plaintiff shall not attempt to engage in discovery until the screening process has been completed.

New Orleans, Louisiana, this second day of June, 2017.

  
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**JANIS VAN MEERVELD**  
**UNITED STATES MAGISTRATE JUDGE**