

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

SEAN WESLEY

CIVIL ACTION NO. 16-1479

VERSUS

JUDGE DONALD E. WALTER

LASALLE MANAGEMENT, ET AL.

MAGISTRATE JUDGE PEREZ-MONTES

ORDER

Before the Court is an “Appeal to Trial Judge” filed by pro se Plaintiff, Sean Wesley. [Rec. Doc. 96].

Plaintiff previously filed a “Motion to Compel Discovery Responses with Sanctions” against Defendant, LaSalle Management. [Rec. Doc. 85]. On June 18, 2019, a hearing was held before Magistrate Judge Perez-Montes. [Rec. Doc. 95]. Judge Perez-Montes granted Plaintiff’s motion to compel and denied Plaintiff’s motion for sanctions. See id. During the hearing, Plaintiff also made an oral motion for appointment of counsel, which was denied. See id.

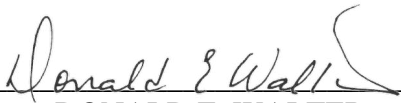
A magistrate judge may rule on any non-dispositive pre-trial matter, except those proscribed by statute. See 28 U.S.C. § 636(b)(1)(A). On appeal, a district judge “may reconsider any pretrial matter . . . where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law.” See id.

Magistrate Judge Perez-Montes’ decision to deny Plaintiff’s motion for sanctions is neither clearly erroneous nor contrary to the law. Plaintiff sent his discovery request after the deadline had passed. As such, the Defendant had a legitimate argument for refusing to comply with Plaintiff’s discovery request, and sanctions are not justified.

Likewise, Magistrate Judge Perez-Montes' decision to deny appointment of counsel is neither clearly erroneous nor contrary to the law. There is no absolute right to court-appointed counsel in civil actions. See Lopez v. Reyes, 692 F.2d 15, 17 (5th Cir. 1982). A showing of exceptional circumstances is required to warrant appointment of counsel. See Branch v. Cole, 686 F.2d 264, 266 (5th Cir. 1982). The record indicates that Magistrate Judge Perez-Montes carefully considered the Plaintiff's request, found that this case is not complex, and determined that exceptional circumstances are not present to warrant appointment of counsel at this time. See Parker v. Carpenter, 978 F.2d 190, 193 (5th Cir. 1992). The Court finds this decision to be appropriate and consistent with the law regarding appointment of counsel.

Accordingly, **IT IS ORDERED** that Plaintiff's appeal of Magistrate Judge Perez-Montes' orders is hereby **DENIED**.

THUS DONE AND SIGNED, this 11th day of July, 2019.



DONALD E. WALTER
UNITED STATES DISTRICT JUDGE