

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

JACOB M. BELL, SR.

CIVIL ACTION 13-382

VERSUS

JUDGE HAIK

ROBYN LANDRY, ET AL

MAGISTRATE JUDGE HANNA

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**JUDGMENT**

Before the Court is a Report and Recommendation issued by Magistrate Judge Hanna (Doc. #9), objections to the Report and Recommendation (Doc. #10), and a Motion for Appointment of Counsel by Jacob Bell (Doc. #11).

Mr. Bell is proceeding *in forma pauperis* in this 42 U.S.C. section 1983 claim. There is no automatic right to appointment of counsel in section 1983 cases. The Court may deny the appointment of counsel unless the case presents “exceptional circumstances”, *Branch v. Cole*, 686 F.2d. 265 (5<sup>th</sup> Cir., 1982). The Court looks to the type and complexity of the case, as well as the ability of the individual to bring it, when making the determination. In this case, the Court does not find Mr. Bell’s Complaint presents “exceptional circumstances” warranting the appointment of counsel. The great majority of prisoners face the same circumstances Mr. Bell laid out in this Motion for Appointment of Counsel. None of these issues places his case in the realm of exceptional.

As to the merits of his case, . After an independent review of the record, and a full review of the objections presented, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own. As

such;

The plaintiff's civil rights complaint is hereby **DISMISSED WITH PREJUDICE** for failing to state a claim for which relief may be granted.

**THUS DONE and SIGNED** on this **8<sup>th</sup>** day of **April, 2014**.

A handwritten signature in black ink, reading "Richard T. Haik, Sr.", written over a horizontal line.

**RICHARD T. HAIK, SR., DISTRICT JUDGE  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**