

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK ANTHONY REED-BEY # 151290,

Plaintiff,

CASE NUMBER: 06-10934
HONORABLE VICTORIA A. ROBERTS

v.

GEORGE PRAMSTALLER,
RICHARD D. RUSSELL,
BUREAU OF HEALTH CARE
MICHIGAN DEPARTMENT OF CORRECTIONS,
CAROLYNN DuBUC,
CORRECTIONAL MEDICAL SERVICES, INC.,
MICHIGAN DEPARTMENT OF CORRECTIONS,
ANDREW JACKSON,
SEETHA VADLAMUDI,
JUSTINA NZUMMS, and RUTH INGRAM

Defendants.

ORDER

Plaintiff Mark Anthony Reed-Bey filed a civil rights claim pursuant to 42 U.S.C. § 1983, alleging Defendants subjected him to cruel and unusual punishment in violation of the Eighth Amendment. Plaintiff moves for appointment of counsel. (Doc. # 111)

There is no right to counsel in prisoner civil rights cases. See *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). Whether to appoint counsel in a civil case is a matter left to the sound discretion of the district court. *Id*; see also 28 U.S.C. § 1915(e)(1) (1996) (“The court *may* request an attorney to represent any person unable to afford counsel.”) (emphasis added). “[Appointment of counsel] is a privilege that is justified only by exceptional circumstances.” *Lavado v. Keohane*, 992 F.2d 601, 606

(6th Cir. 1993) (quoting *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1985)) (internal citation omitted). It is not appropriate when a *pro se* litigant's claims are frivolous or when the chance of success on the merits is extremely slim. *Id.*

The Court finds that exceptional circumstances warranting appointment of counsel do not exist. The Court has already entered judgment in favor of several Defendants and the factual allegations underlying the claims against those remaining are thin. Thus, the Court finds that appointment of counsel is inappropriate at this time, and Reed-Bey's Motion for Appointment of Counsel is **DENIED**.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: December 7, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record and Mark Anthony Reed-Bey by electronic means or U.S. Mail on December 7, 2010.

s/Linda Vertriest
Deputy Clerk