

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MILTON STANCIEL,

Plaintiff,

v.

Case No. 11-11512

Honorable Patrick J. Duggan

PATRICK DONOHUE, POSTMASTER  
GENERAL OF THE UNITED STATES,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION OF  
MOTION FOR APPOINTMENT OF COUNSEL**

On April 8, 2011, Plaintiff filed this pro se civil rights action against Defendant. On the same date, Plaintiff filed applications to proceed in forma pauperis, for service by the United States Marshal, and for appointment of counsel. Plaintiff has been granted leave to proceed in forma pauperis and for service by the U.S. Marshal. The Court, however, denied his request for appointment of counsel.

“Appointment of counsel in a civil case is not a constitutional right. . . . It is a privilege that is justified only by exceptional circumstances. . . .” *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993) (quotation marks and internal citations omitted).

Whether such circumstances exist depends upon “the type of case and the abilities of the plaintiff to represent himself [or herself]. . . . This generally involves a determination of the complexity of the factual and legal issues involved.” *Id.* at 606 (internal quotation

marks and citations omitted). It is not appropriate for a court to appoint counsel pursuant to 28 U.S.C. § 1915(d) for a litigant proceeding in forma pauperis when the litigant's claims are frivolous or "the chances of success are extremely slim." *Id.* (quoting *Mars v. Hanberry*, 752 F.2d 254, 256 (6th Cir. 1985)).

At this stage of the proceedings, it does not appear that exceptional circumstances warrant the appointment of counsel for Plaintiff. The facts and legal issues do not appear complex and Plaintiff appears capable of representing himself. It is too early for this Court to assess whether Plaintiff's claims are frivolous or the chances of his claims succeeding. Therefore, Plaintiff's Motion for Reconsideration of Motion for appointment of counsel is **DENIED**.

**SO ORDERED.**

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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