

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT ANNABEL,

Plaintiff,

v.

JACK FROST, ET AL.,

Defendants.

No. 14-10244

District Judge Arthur J. Tarnow
Magistrate Judge R. Steven Whalen

ORDER

Plaintiff Robert Annabel is the *pro se* Plaintiff in this prisoner civil rights action brought under 42 U.S.C. § 1984. Before the Court is his Motion for Appointment of Counsel [Doc. #80].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. This Court previously dismissed Plaintiff’s complaint for failure to state a plausible claim for relief. Fed.R.Civ.P. 12(b)(6). The Sixth Circuit reversed in part, remanding the case for further proceedings as to Plaintiff’s retaliation claim. Following discovery, the Defendants have the opportunity to file a motion for summary judgment

under Rule 56. At this point, the motion to appoint counsel is premature. If Plaintiff's claim ultimately survives dispositive motions, he may renew his motion for appointment of counsel at that time.

Accordingly, Plaintiff's Motion for Appointment of Counsel [Doc. #80] is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: July 25, 2017

CERTIFICATE OF SERVICE

I hereby certify on July 25, 2017, that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on July 25, 2017.

s/Carolyn Ciesla
Case Manager to
Magistrate Judge R. Steven Whalen