

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDGAR J. DIETRICH,

Plaintiff,

v.

Case No. 15-CV-13820
HON. GERSHWIN A. DRAIN

CRE-MI RETAIL, LLC,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR THE APPOINTMENT
OF COUNSEL (#19)**

Plaintiff Edgar J. Dietrich filed the instant action on October 29, 2015. On November 10, 2015, this Court entered an Order Granting Plaintiff's Application to Proceed *In Forma Pauperis* and Directing the United States Marshal to Serve Defendant. Presently before the Court is Plaintiff's Motion to Appoint Counsel, filed on March 1, 2016.

While Plaintiff is entitled to proceed in this matter without payment of the filing fee, he is not entitled to the appointment of counsel. The "appointment of counsel in a civil case is a privilege and not a constitutional right. It should be allowed in civil actions only in exceptional cases." *Lopez v. Reyes*, 692 F.2d 15, 17

(5th Cir. 1982).

In determining whether exceptional circumstances exist, courts have examined the type of case and the abilities of the plaintiff to represent himself. This generally involves a determination of the complexity of the factual and legal issues involved.

Lavado v. Keohane, 992 F. 2d 601, 605 (6th Cir. 1993) (internal citations and quotations omitted).

A review of Plaintiff's present motion demonstrates that he has failed in his burden showing this is an exceptional case warranting the appointment of counsel. Plaintiff has been able to file the Complaint raising claims of conversion and abuse of process, as well as the instant Motion for Appointment of Counsel. Thus, the complexity of the case does not appear to warrant the appointment of counsel, at least at this early stage of the proceedings. However, the Court may reconsider whether appointment of counsel is necessary at a later stage of the instant proceedings.

Accordingly, Plaintiff's Motion for the Appointment of Counsel [#19] is DENIED WITHOUT PREJUDICE.

SO ORDERED.

Dated: March 14, 2016

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and on Edgar J. Dietrich at 15832 Windmill Pointe, Grosse Pointe Park, MI 48230 by electronic and/or ordinary mail.

/s/ Tanya Bankston
Case Manager