

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MORRIS WEATHERSPOON,

Plaintiff,

No. 17-11196

v.

District Judge Mark A. Goldsmith  
Magistrate Judge R. Steven Whalen

SURJIT DINSA, ET AL.,

Defendants.

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**ORDER**

On April 14, 2017, Plaintiff Morris Weatherspoon, a prison inmate in the custody of the Michigan Department of Corrections, filed a *pro se* civil suit under 42 U.S.C. § 1983 claiming deliberate indifference to his serious medical needs in violation of the Eighth Amendment. Before the Court is his motion for the appointment of counsel [Doc. #50].

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 (6<sup>th</sup> 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. The Defendants' motion for summary judgment [Doc. #42] is currently pending. Plaintiff's motion to appoint counsel is therefore premature. If his case ultimately survives dispositive motions, he may renew his request.

Plaintiff's motion [Doc. #50] is therefore DENIED WITHOUT PREJUDICE.

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

Dated: April 30, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 30, 2018, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla  
Case Manager to the  
Honorable R. Steven Whalen