

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TOMMY FARR #292839,

Plaintiff,

No. 18-11092

v.

District Judge Stephen J. Murphy  
Magistrate Judge R. Steven Whalen

O.T. WINN, ET AL.,

Defendants.

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**ORDER**

Plaintiff, a *pro se* prison inmate in this civil rights action brought under 42 U.S.C. §1983, has filed a motion for appointment of counsel [ECF No. 25].

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. While it is true that a motion for summary judgment on the basis of exhaustion has already been denied as to two Defendants, the deadline for dispositive motions pertaining to the merits of Plaintiff’s claims is currently set for November 3, 2019. Therefore, Plaintiff’s motion to appoint counsel is premature. If Plaintiff’s claims ultimately survive any future dispositive motions, he may renew his motion for appointment of counsel at that

time.

Accordingly, Plaintiff's motion to appoint counsel [ECF No. 25] is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: October 6, 2019

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

**CERTIFICATE OF SERVICE**

I hereby certify on October 6, 2019 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 the following non-registered ECF participants October 6, 2019.

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