UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Morye Cooley,

Case No. 24-CV-2457 (ECT/ECW)

Plaintiff,

v.

ORDER

ACH and Summit,

This action comes before the Court on Plaintiff's Motion for Appointment of Counsel (Dkt. 22).

Defendants.

Plaintiff filed a Motion for Appointment of Counsel asserting the following reasons for appointment: he is proceeding *in forma pauperis*, and is unable to afford counsel; the issues involved in this case are complex and could involve cross examination of witnesses; he has limited access to investigate while incarcerated; he has a limited knowledge of the law; and limited access to a law library. (Dkt. 22.)

In civil proceedings, there is no constitutional nor statutory right to appointed counsel. *See Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). However, "[i]n civil rights matters the court may, pursuant to 28 U.S.C. § 1915, 'request' an attorney to represent a party if, within the court's discretion, the circumstances are such that would properly justify such a request." *Mosby v. Mabry*, 697 F.2d 213, 214 (8th Cir. 1982) (citation omitted). Relevant factors in determining whether appointment of counsel is appropriate are the factual complexity of the case, the complexity of the legal arguments,

the ability of the litigant to present her claims, and whether both the parties and the Court

would benefit from the indigent being represented by counsel. See Phillips v. Jasper

Cnty. Jail, 437 F.3d 791, 794 (8th Cir. 2006) (citing Edgington v. Missouri Dep't of

Corr., 52 F.3d 777, 780 (8th Cir. 1995), abrogated on other grounds, Doe v. Cassel, 403

F.3d 986, 989 (8th Cir. 2005)); Johnson v. Williams, 788 F.2d 1319, 1322 (8th Cir. 1986)

(quoting Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1005 (8th Cir. 1984)).

Here, the Court finds that the appointment of counsel is not warranted because: the

Court cannot conclude that this matter dealing with allegations that the service of food in

Dakota County Jail violates Plaintiff's religious rights and is nutritionally inappropriate

for him (see Dkt. 4) is factually or legally complex, and Plaintiff has demonstrated

sufficient ability to litigate in federal court as is evidenced by his ability to seek various

forms of relief in this case. For these reasons, the Court denies the motion for

appointment of counsel without prejudice.

ORDER

For all these reasons, and based on all the files, records, and proceedings herein,

IT IS ORDERED THAT: Plaintiff's Motion for Appointment of Counsel (Dkt. 22) is

DENIED without prejudice.

Dated: January 6, 2025

s/ Elizabeth Cowan Wright ELIZABETH COWAN WRIGHT

United States Magistrate Judge

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