UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI SOUTHEASTERN DIVISION

MICHAEL T. MANUEL	
Plaintiff,	
v.	
PAULA PHILLILPS, et al.,	
Defendants.	

No. 1:14-CV-104-JAR

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion for appointment of counsel [Doc. #24]. The motion will be denied, without prejudice.

There is no constitutional or statutory right to appointed counsel in civil cases. <u>Nelson v.</u> <u>Redfield Lithograph Printing</u>, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. <u>See Johnson v. Williams</u>, 788 F.2d 1319, 1322–23 (8th Cir. 1986); <u>Nelson</u>, 728 F.2d at 1005.

After considering these factors, the Court finds that the appointment of counsel is not warranted at this time. As this Court previously noted on October 15, 2014, in its Order denying plaintiff's first motion for appointment of counsel [Doc. #11], this case is neither factually nor legally complex. Moreover, it is evident that Plaintiff is able to present his claims, because the Court has ordered Defendants to respond to his claims. Plaintiff's bald assertions that he believes he is entitled to redress and that he is unable to afford an attorney do not justify the appointment of counsel at this time.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for appointment of counsel [Doc.

#24] is **DENIED WITHOUT PREJUDICE**.

Dated this 8th day of January, 2015.

-a. Rose

JOHN A. ROSS UNITED STATES DISTRICT JUDGE