

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

WILLIAM DESMOND CONRAD,)	
)	
Movant,)	
)	
v.)	No. 1:15CV107 SNLJ
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on movant’s motions for an evidentiary hearing and for appointment for counsel. The motions are denied.

Rule 8(a) of the Rules Governing § 2255 Proceedings requires the Court “to review the answer, any transcripts and records of prior proceedings, and any materials submitted under Rule 7 to determine whether an evidentiary hearing is warranted.” None of these materials are before the Court. As a result, the motion for an evidentiary hearing is denied without prejudice.

There is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 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. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005. This action does not appear to be

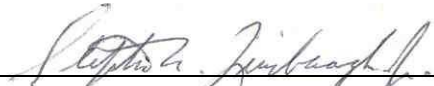
factually or legally complex. Additionally, movant has clearly presented his claims to this Court. As a result, the motion for appointment of counsel is denied without prejudice.

Accordingly,

IT IS HEREBY ORDERED that movant's motion for an evidentiary hearing [ECF No. 2] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that movant's motion for appointment of counsel [ECF No. 3] is **DENIED** without prejudice.

Dated this 10th day of June, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE