

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

JERRY MCCRARY,)
)
 Plaintiff,)
)
 v.) No. 1:15-CV-136-SNLJ
)
 DARRON HYTE, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

Before the Court are plaintiff's motion for appointment of counsel [Doc. 5] and motion to produce documents [Doc. 6]. For the following reasons, both motions will be denied at this time, without prejudice.

Plaintiff asserts that he cannot afford counsel, he believes defendants will deny him access to the prison law library, there are "certain documents" the prison will not provide to plaintiff, and defendants refuse to bring plaintiff "legal material and cases" from the prison property room. For the following reasons, the motion will be denied without prejudice.

"A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, such as the complexity of the case, the ability of the pro se

litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Id.* After considering and weighing these factors, the Court finds that the appointment of counsel is not warranted at this time. This case is neither factually nor legally complex, and it appears that plaintiff is able to present his numerous claims. This is not to say, however, that plaintiff has properly joined all his claims in one action; this issue will be considered at a later time, when the Court reviews the amended complaint under 28 U.S.C. § 1915.

Plaintiff's motion to produce documents is premature, given that the Court has not yet issued a Case Management Order, and it will be denied as such, also without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [Doc. 5] and motion to produce documents [Doc. 6] are **DENIED, without prejudice.**

Dated this 27th day of August, 2015.



John F. Gibbons
UNITED STATES DISTRICT JUDGE