

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

DARNELL WESLEY MOON,

Plaintiff,

JOHN JORDAN, et al.,

Defendant,

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No. 1:15CV167 RLW

**MEMORANDUM AND ORDER**

Plaintiff moves for appointment of counsel and motion to stay proceedings. The motions are denied.

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.

Plaintiff has presented non-frivolous allegations in his complaint. However, he has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case are complex.

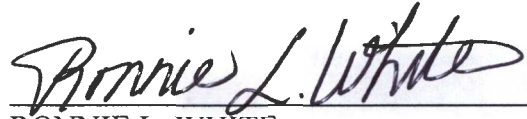
Plaintiff moves to stay these proceedings because he is currently detained at the Ste. Genevieve County Jail and he anticipates being transferred to a BOP facility soon. Transfers between prisons are common occurrences and do not constitute cause to stay court proceedings.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel [ECF No. 23] is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that plaintiff's motion to stay proceedings [ECF No. 24] is **DENIED**.

Dated this 7<sup>th</sup> day of March, 2016.

A handwritten signature in black ink, reading "Ronnie L. White", written over a horizontal line.

RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE