

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for extension of time to file an amended complaint, for appointment of counsel, and for discovery.

The Court will give plaintiff fourteen days from the date of this Order to file an amended complaint. No further extensions will be given. Plaintiff does not need counsel to present his case to the Court. He need only state the facts he believes entitle him to relief. Plaintiff has written several letters to the Court since he has filed this action. So, he has demonstrated the ability to present his case to the Court.

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. Again, he has demonstrated, at this point, that he can adequately present his claims to the Court. And neither the factual nor the legal issues in this case are complex. Therefore, the motion is denied without prejudice.

Finally, discovery is not authorized until the Court issues a Case Management Order. So, the motion for discovery is denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for extension of time to file an amended complaint and for appointment of counsel [ECF No. 3] is **GRANTED** in part and **DENIED** in part. Plaintiff must file an amended complaint within fourteen (14) days from the date of this Order. Plaintiff's request for counsel is **DENIED** without prejudice.

IT IS FURTHER ORDERED that plaintiff's motion for discovery [ECF No. 15] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the Court will dismiss this action without further proceedings.

Dated this 6th day of April, 2016.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE