

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

DARRIN L. LEE,)
Plaintiff,)
v.) No. 1:17-CV-99 PLC
THOMAS GULLETT, et al.,)
Defendants.)

MEMORANDUM AND ORDER

Plaintiff moves for appointment of counsel [ECF No. 11].¹ Defendants Gullett, Manche, and Nicholson oppose Plaintiff's motion.

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). To determine whether to appoint counsel, the Court considers several factors, including whether: (1) the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) the plaintiff will substantially benefit from the appointment of counsel; (3) there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) 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. After reviewing the record, the Court concludes that appointment of counsel is not warranted at this time. Accordingly,

¹ The Court previously granted Plaintiff leave to proceed *in forma pauperis*. See Mem. and Order, filed Aug. 3, 2017 [ECF NO. 5]. In granting Plaintiff *in forma pauperis* status, the Court reviewed his allegations and concluded his claims against the four Defendants in their individual capacities were not frivolous. Those are the claims now pending in this prisoner civil rights case under 42 U.S.C. § 1983.

IT IS HEREBY ORDERED that Petitioner's motion for appointment of counsel [ECF No. 11] is **DENIED** without prejudice.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 6th day of October, 2017