

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

KELLY RAY DAVIDSON, JR.,)
)
Plaintiff,)
)
v.) No. 1:24-cv-00197-AGF
)
JACOB GARCIA, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on two motions filed by self-represented Plaintiff Kelly Ray Davidson, Jr.: (1) a motion stating that Plaintiff has been denied access to a copy machine and therefore wishes to submit to Defendants a description and location of all documents giving rise to his claim, in order to permit the Defendants to inspect those documents and obtain copies if they wish (ECF No. 15), and (2) a motion for appointment of counsel (ECF No. 16) in light of the Case Management Order's statement that Defendants have been granted leave of Court, pursuant to Federal Rule of Civil Procedure 30(a) to take the deposition of Plaintiff upon reasonable notice (ECF No. 11 at ¶ 5).

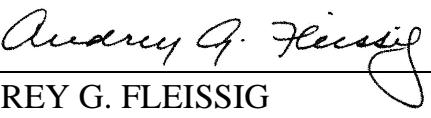
Upon careful consideration, the Court will deny both motions without prejudice. As to the discovery-related motion, what Plaintiff proposes may acceptable to Defendants. Should Plaintiff's proposed plan to comply with his discovery obligations cause a dispute with Defendants, the parties must first confer in good faith and attempt to resolve any dispute without Court intervention, as required under Local Rule 3.04.

As to Plaintiff's motion to appoint counsel, pro se litigant has "neither a

constitutional nor a statutory right to appointed counsel in civil cases," *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018), and there is no indication at this stage of the case that the appointment of counsel would be of sufficient benefit to Plaintiff or the Court. Although the CMO grants Defendants leave to depose Plaintiff, there is no indication in the record that Defendants have attempted to schedule such a deposition, and Plaintiff has not explained why counsel is necessary to assist in such a deposition. However, recognizing that circumstances may change, the Court will deny the motion for appointment of counsel without prejudice and will entertain future such motions, if appropriate, as the case progresses.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's pro se motions regarding his production of documents and to appoint counsel are both **DENIED without prejudice**. ECF Nos. 15 & 16.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 11th day of March, 2025.