

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

JOHN M. WEEKS, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:12CV70 RWS
)	
MISSOURI DEPT. OF CORRECTIONS,)	
INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's pro se motion for an extension of time and to appoint counsel. Having considered plaintiff's request under the relevant standards¹, I find that appointment of counsel is warranted in this case. Therefore, I will appoint Stephen M. Ryals, Ryals & Breed, P.C., 3120 Locust Street, St. Louis, Missouri 63103 to represent plaintiff in this case. I will vacate the amended case management order [#25] entered on July 9, 2013 and stay this case for a short period of time to permit appointed counsel sufficient opportunity to review the file. Thereafter, I will hold an amended scheduling conference with counsel to set a schedule for this case. Any discovery requests or responses previously served by defendant shall be sent to plaintiff's counsel.

¹There is no constitutional or statutory right to appointed counsel in a civil case. 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 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 Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [#30-2] is granted, and Stephen M. Ryals, Ryals & Breed, P.C., 3120 Locust Street, St. Louis, Missouri 63103 is appointed to represent plaintiff. Defendant shall send any discovery requests or responses previously served on plaintiff to plaintiff's appointed counsel.

IT IS FURTHER ORDERED that the amended case management order [#25] is vacated, and this case is stayed until October 1, 2013.

IT IS FURTHER ORDERED that plaintiff's motion for an extension of the discovery deadline [#30] is denied as moot.

IT IS FURTHER ORDERED that this case is set for an amended scheduling conference on Friday, October 11, 2013 at 10:00 a.m. in the chambers of the undersigned in St. Louis, Missouri. The parties shall submit a joint proposed amended case management order that uses the format set out in Docket Entry # 25 by not later than October 8, 2013.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 11th day of September, 2013.