

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

TERRY M. TURNER,)	
)	
Plaintiff,)	
)	
)	No. 2:15CV48 ERW
)	
GEORGE A. LOMBARDI, et al.,)	
)	
Defendants,)	

MEMORANDUM AND ORDER

Plaintiff moves for appointment of counsel. After considering the motions and the pleadings, the motions are denied without prejudice to refileing at a later time.

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, and he has successfully defended a motion to dismiss. The legal issues in this case are not complex. The factual issues are, however, complex in that this case involves whether he was purposely denied the correct medical treatment for his demyelinating problem. However, it does not appear that a great amount of investigative work will be required, because much of the evidence in this case

will be found in plaintiff's medical records. As a result, the Court finds that the balance of these factors weighs against appointing counsel at this time.

The Court will entertain future motions for appointment of counsel as the case progresses.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motions for appointment of counsel [ECF Nos. 4, 15] are **DENIED** without prejudice.

So Ordered this 4th day of December, 2015.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE