

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RALPH ANTHONY KNOX,)	
)	
Movant,)	
)	
v.)	No. 4:10CV1321 RWS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

Movant has filed several motions: a motion to file an amended § 2255 motion, a motion to strike his motion to file an amended § 2255 motion, a motion for discovery, a motion for subpoenas, and two motions to appoint counsel.

I will grant movant’s motion to strike his motion to file an amended § 2255 motion.

Movant requests leave of Court to conduct discovery relevant to the validity of the search warrants executed on his property. He further seeks to investigate the government’s witnesses and to review the personal files of all persons involved in his case. In his motion for subpoenas, he requests leave to subpoena several people he suggests were involved in procuring unlawful search warrants.

In his § 2255 motion, movant argues that his counsel was ineffective for advising him to plead guilty rather than go to trial. The discovery movant requests

is not necessary to ruling the issues raised in the § 2255 motion. As a result, the motion for discovery and motion for subpoenas will be denied.

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.

After considering these factors, the Court finds that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time. As a result, the motions to appoint counsel will be denied.

Accordingly,

IT IS HEREBY ORDERED that movant's motion to strike his motion to file an amended § 2255 motion [#20] is **GRANTED**.

IT IS FURTHER ORDERED that movant's motion to file an amended § 2255 motion [#18] is **moot**.

IT IS FURTHER ORDERED that movant's motion for discovery [#21] is **DENIED**.

IT IS FURTHER ORDERED that movant's motion for subpoenas [#22] is **DENIED**.

IT IS FURTHER ORDERED that movant's motions for appointment of counsel [#4, 19] are **DENIED** without prejudice.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 31st day of May, 2011.