

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|----------------------|---|--------------------------|
| TRACY EUGENE MCKEE, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 4:11 CV 871 RWS |
| |) | |
| EUGENE STUBBLEFIELD, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

Petitioner Tracy Eugene McKee has filed a petition for federal habeas corpus under 28 U.S.C. § 2254. This matter is before the Court on McKee’s Motion to Appoint Counsel and Motion to Authorize Participation of a Law Student. For the reasons stated below, McKee’s Motions will be denied.

Appoint Counsel

There 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.

After considering these factors, the Court believes that the facts and legal issues involved

in McKee's case are not so complicated that the appointment of counsel is warranted at this time. In addition, the Petition and various memoranda filed by McKee indicates that Petitioner is capable of presenting the facts and legal issues without the assistance of counsel. Therefore, the Court will deny the motion for the appointment of counsel.

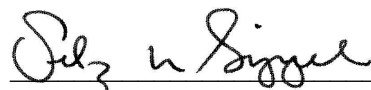
Participation of Law Student

McKee has also filed a motion requesting the Court authorize the participation of a law student to advocate on McKee's behalf. In order for a law student to participate in the preparation and presentation of a civil case, the law student must be supervised by an attorney of record. E.D.Mo. L.R. 12.05. McKee does not have an attorney of record to supervise a law student's participation in this case. As a result, I will deny McKee's motion.

Accordingly,

IT IS HEREBY ORDERED that Petitioner Tracy Eugene McKee's Motion to Appoint Counsel [#6] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that Petitioner Tracy Eugene McKee's Motion to Authorize Participation of a Law Student [#7] is **DENIED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 6th day of June, 2011.