

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

| | | |
|-----------------------|---|-------------------|
| TERRY M. TURNER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:12CV561 JAR |
| |) | |
| UNKNOWN MULL, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on review of plaintiff's first amended complaint under 28 U.S.C. § 1915(e). After review, the Court finds that the complaint should not be dismissed at this time. As a result, the Court will order the clerk to serve process on the properly named defendants.

Additionally, plaintiff has filed a motion for appointment of counsel. 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 Court will deny the motion without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall issue process or cause process to issue as to defendants Unknown Mull, Angela Chandler, Unknown Thebeau, and Terry Russell.

IT IS FURTHER ORDERED that the Clerk shall terminate George Lombardi from these proceedings because he is not named as a defendant in the amended complaint.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [Doc. 4] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that this case is assigned to Track 5B: Prisoner Standard.

Dated this 26th day of April, 2012.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE