

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

JOHN BARTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:12CV1099 HEA
	)	
COREY WADE,	)	
	)	
Defendant.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff’s motion to file an amended complaint, motion for extension of time to pay the filing fee, and motion for appointment of counsel.

The motion to file an amended complaint is granted. Plaintiff has the right under Rule 15(a) to file an amended complaint before defendant files his answer.

The motion for extension of time to pay the partial initial filing fee is granted. Plaintiff has until August 28, 2012, to pay the fee. If plaintiff does not pay the fee in a timely manner, this action may be dismissed for failure to prosecute.

The motion for appointment of counsel is denied without prejudice. 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.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to file an amended complaint [Doc. 6] is **GRANTED**.

**IT IS FURTHER ORDERED** that plaintiff's motion for extension of time to pay the initial partial filing fee [Doc. 7] is **GRANTED**.

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

Dated this 17th day of July, 2012.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE