



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); *In re Lane*, 801 F.2d 1040, 1043-44 (8th Cir. 1986); *Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

Although Whitt may be unable to assert his habeas claims himself, it appears from the record that whoever assisted him with the petition did so in a manner protective of Whitt's interests. The motion for reconsideration does not assert that any grounds should have been raised in addition to or differently from those raised in the petition. At this stage, I cannot say that Whitt will substantially benefit from the appointment of counsel or that there is a need for further investigation into the facts of this case.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion to reconsider motion for appointment of counsel [# 11] is **denied**.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 23<sup>rd</sup> day of July, 2014.