

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

| | | |
|------------------------|---|----------------------|
| DWAYNE ANDREWS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:13-CV-2045-HEA |
| |) | |
| KEITH SCHAFER, et al., |) | |
| |) | |
| Defendants. |) | |

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion of for appointment of counsel [Doc. #5]. The motion will be denied without prejudice.

“A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. Id.

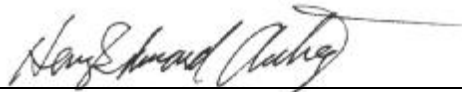
Although plaintiff has yet to file an amended complaint in accordance with the Court’s Order of November 25, 2013 [Doc. #4], the Court finds that the appointment of counsel is not warranted at this time. This case does not appear to be factually or

legally complex. Moreover, plaintiff has not set forth any reasons indicating that he will be unable to present his claims. Consequently, the motion shall be denied at this time, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [Doc. #5] is **DENIED**, without prejudice.

Dated this 4th day of December, 2013.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE