UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

REGINALD BARBER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:14CV319 TIA
	)	
DRURY INN CONVENTION CENTER,	)	
	)	
Defendant.	)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Reginald Barber's Motion for Appointment of Counsel, and Defendant's Motion to Dismiss. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

Background

Plaintiff is proceeding pro se and in forma pauperis. Plaintiff brings this employment discrimination action against his employer, Drury Inn Convention Center, alleging age discrimination and sex harassment.

There is no constitutional right for a pro se plaintiff to have counsel appointed in a civil case, although the Court has discretion to appoint an attorney to handle such a case when necessary. See Davis v. Scott, 94 F.3d 444, 447 (8th Cir. 1996). Among the factors a court should consider in making this determination are the factual complexity of the case; the ability of the plaintiff to investigate the facts and present his claim; the complexity of the legal issues; and to what degree plaintiff and the court would benefit from such an appointment. Id.

The Eighth Circuit has identified three additional factors relevant to the appointment of counsel in an employment discrimination case: "(1) the plaintiff's financial resources, (2) the

plaintiff's efforts to secure counsel, and (3) the merits of the discrimination claim." Slaughter v. City of Maplewood, 731 F.2d 587, 590 (8th Cir. 1984).

Upon review of the file, the Court finds that this dispute is straightforward, and the legal issues are not complex. Thus, the Court concluded that appointment of counsel is not appropriate at this time. Moreover, the Court notes that Plaintiff has not filed a responsive pleading to Defendant's Motion to Dismiss, and the time for doing so has passed.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Appointment of Counsel (Docket No. 4) is Denied Without Prejudice.

IT IS FURTHER ORDERED that Plaintiff shall file a responsive pleading to Defendant's Motion to Dismiss no later than April 21, 2014.

Dated this 9th day of April, 2014.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE