

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

GEORGE PROBY, JR., )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:14CV1355 HEA  
 )  
 D.R. BULLOCK, et al., )  
 )  
 Defendants. )

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's motion for appointment of counsel [Doc. #35]. The motion will be 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 appointment of counsel is not warranted at this time. As this Court has previously noted on October 8, 2014, in its Order denying plaintiff's first motion for appointment of counsel [Doc. #11], this case is neither factually nor legally complex. Moreover, it is evident that Plaintiff is able to present his claims, because the Court has ordered Defendants to respond to Plaintiff's claims. Finally, although

Plaintiff summarily asserts that his “imprisonment will greatly limit his ability to litigate,” the Court finds that the appointment of counsel would be premature at this time.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff’s motion for appointment of counsel [Doc. #35] is **DENIED WITHOUT PREJUDICE**.

Dated this 9th day of January, 2015.



---

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE