

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KENNETH PERKINS, )  
 )  
 Petitioner, )  
 )  
 vs. ) Case No. 4:14CV1505 CDP  
 )  
 DAVID SCHMITT, )  
 )  
 Respondent. )

**MEMORANDUM AND ORDER**

Petitioner Kenneth Perkins has filed a motion to appoint counsel to assist him with his petition for a writ of habeas corpus under 28 U.S.C. § 2254. Because the factual and legal proceedings are relatively simple and because Perkins has shown that he is capable of self-representation, his motion will be denied.

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 petitioner has presented non-frivolous allegations supporting his prayer for relief; (2) whether the petitioner will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the petitioner'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 (8th Cir. 1986); *Johnson v. Williams*, 788 F.2d 1319, 1322–23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

Upon consideration of the above-listed factors, I find that appointment of counsel is not warranted. The claims and underlying facts of this case are relatively straightforward and do not involve any complex legal issues. There likewise does not appear to be any reason to further investigate the facts related to the petitioner's allegations.

Additionally, based on Perkins's presentation of the issues in his petition and other submissions to the Court, he seems capable of litigating this action on his own. Therefore, his motion for appointment of counsel will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that Perkins's motion for appointment of counsel [# 3] is denied.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 14<sup>th</sup> day of September, 2015.