

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

DAVID HIGHTOWER,

Plaintiff,

v.

CITY OF ST. LOUIS, et al.,

Defendants.

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No. 4:14CV1959 CEJ

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for appointment of counsel. For the following reasons, the motion will be denied.

There is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8<sup>th</sup> 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 (8<sup>th</sup> Cir. 1986); Nelson, 728 F.2d at 1005.

After considering these factors, the Court finds that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time. The legal issues involve whether excessive force was used when plaintiff was arrested and whether medical staff at the St. Louis City Justice Center were deliberately indifferent to plaintiff's serious medical needs. Plaintiff's alleged injury is confined to his left shoulder. Thus far, plaintiff has

demonstrated an ability to present his claims to the Court. Plaintiff may bring further requests for appointment of counsel at later stages of this case.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel is **denied** without prejudice.

Dated this 6th day of January, 2015.

A handwritten signature in cursive script, appearing to read "Carol E. Jackson", is written above a horizontal line.

CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE