

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

ELTON JACKSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:15-CV-1426-AGF
	)	
UNKNOWN RENTRO, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on its own motion. On or about May 2, 2016, the Office of the Missouri Attorney General notified the Court that it is unable to waive service for defendant “Mr. Hergore,” because there is no one employed by the Missouri Department by that name. With regard to defendant “Mr. Uptgrove,” the Missouri Attorney General’s Office stated, “No one with that name is currently employed at the Missouri Department of Corrections. An individual with a similar name that previously worked for the Missouri Department of Corrections is no longer employed there.”

On May 13, 2016, this Court ordered plaintiff to provide the correct names and addresses of these two defendants, Hergore and Uptgrove [Doc. 13]. In response, plaintiff filed a motion to compel the Missouri Department of Corrections, which is not a party to this action, to provide certain documents

[Doc.15], as well as a motion for an extension of time to comply with the Court's May 13, 2016 Order [Doc. 16], and a motion for appointment of counsel [Doc.17]. Defendants Hobbs and Rentro have filed a response in opposition to the motion to compel [Doc. 17].

### **Discussion**

A Case Management Order has not yet been entered in this case, and therefore, plaintiff's discovery request will be denied as premature. Moreover, under the circumstances, the Court will direct defense counsel, Jeffrey T. Spahr, Assistant Attorney General, to submit to the Court within thirty (30) days from the date of this Order, *under seal and ex parte*, the last known full names, residential addresses, and/or places of employment for Missouri Department of Corrections employees, past or present, whose names are similar to Mr. Uptgrove and Mr. Hergore. Because the Court will attempt to obtain service information from the Office of the Missouri Attorney General, it will deny as moot plaintiff's motion for an extension of time to provide the names and addresses of these two defendants.

In addition, the Court will deny plaintiff's motion for counsel. "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.*

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. 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 his claims. Consequently, the motion will be denied at this time, without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that no later than thirty (30) days from the date of this Order, defense counsel Jeffrey T. Spahr, Assistant Attorney General, shall provide the Court, *under seal and ex parte*, with the last known full names, residential addresses, and/or places of employment for Missouri Department of Corrections employees, past or present, whose names are similar to Mr. Uptgrove and Mr. Hergore.

**IT IS FURTHER ORDERED** that plaintiff's motion to compel [Doc. 15] is **DENIED** as premature.

**IT IS FURTHER ORDERED** that plaintiff's motion for an extension of time [Doc. 16] is **DENIED** as moot, because the Court will attempt to obtain the requisite information from the Office of the Missouri Attorney General.

**IT IS FURTHER ORDERED** that plaintiff's motion for counsel [Doc. 17] is **DENIED**, without prejudice.

Dated this 27<sup>th</sup> day of June, 2016.

  
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UNITED STATES DISTRICT JUDGE