

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

ARTHUR T. REED,)	
)	
Petitioner,)	
)	
v.)	No. 4:15CV1843 CEJ
)	
TROY STEELE,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's motion for appointment of counsel and motion for an evidentiary hearing. The motions are 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 petitioner has presented non-frivolous allegations supporting his or her 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*

Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

Petitioner has presented non-frivolous allegations to the Court. Additionally, he has demonstrated so far that he can adequately present his claims. Moreover, neither the factual nor the legal issues in this case are complex. Therefore, counsel will not be appointed.

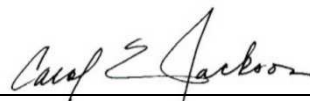
Under Rule 8 of the Rules Governing § 2254 Cases, the Court “must review the answer, any transcripts and records of the state-court proceedings, and any materials submitted under Rule 7 to determine whether an evidentiary hearing is warranted.” The answer, transcripts, and state court record have not yet been submitted. Thus, the motion for a hearing is premature.

Accordingly,

IT IS HEREBY ORDERED that petitioner’s motion for appointment of counsel [ECF No. 2] is **denied** without prejudice.

IT IS FURTHER ORDERED that petitioner’s motion for an evidentiary hearing [ECF No. 3] is **denied** without prejudice.

Dated this 15th day of December, 2015.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE