

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

JIMMY DEWAYNE SHELBY, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:17-CV-821 JAR  
 )  
 MISSOURI DEPARTMENT OF )  
 CORRECTIONS, et al., )  
 )  
 Defendants. )

**MEMORANDUM AND ORDER**

Plaintiff moves for appointment of counsel. After considering the motion and the pleadings, the motion is denied without prejudice to refiling at a later time.

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.

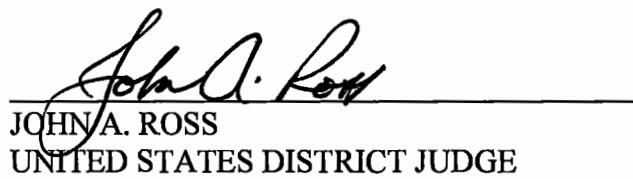
Although by separate order the Plaintiff will be directed to submit an amended complaint, he has presented non-frivolous allegations in this complaint. He has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case appear to be overly complex.

The Court will entertain a future motion for appointment of counsel if circumstances change as the case progresses.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel [ECF No. 4] is **DENIED** without prejudice.

Dated this 17<sup>th</sup> day of August, 2017.



John A. Ross  
UNITED STATES DISTRICT JUDGE