

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

MYCHAEL J. GARRETT, II,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:17cv02492 PLC
	)	
ST. LOUIS COUNTY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

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

Plaintiff, who is currently incarcerated at St. Louis County Justice Center brings this action pursuant to 42 U.S.C. § 1983 alleging excessive or deadly force used by defendant St. Louis County police officers and allegedly inadequate training in the use of such force by defendant St. Louis County when plaintiff was arrested on November 17, 2016.

In his motion for appointment of counsel, plaintiff asserts that because he is in jail, and he has no formal legal training, he will be at a significant legal disadvantage in this proceeding. However, at this stage of the litigation, plaintiff has presented non-frivolous allegations in his complaint, and he has demonstrated that he is able to represent himself. *See Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). Additionally, neither the factual nor the legal issues in this case are complex.

Once defendants file their answer or other responsive pleading in this matter, the Court will be able to ascertain more about the progression of this case and whether plaintiff has need for legal counsel in this proceeding. After that time, the Court will entertain future motions for appointment of counsel.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel [Doc. #7] is **DENIED** without prejudice.



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PATRICIA L. COHEN  
UNITED STATES MAGISTRATE JUDGE

Dated this 7th day of February, 2018