

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

DENNIS R. NASH,)
Petitioner,)
v.) No. 4:17-cv-2825-JAR
CINDY GRIFFITH,)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of petitioner Dennis R. Nash for the appointment of counsel. (Docket No. 3). The motion will be 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 whether the petitioner has presented non-frivolous allegations supporting his or her prayer for relief, whether the petitioner will substantially benefit from the appointment of counsel, whether the petitioner's claims involve information readily available to him, and the complexity of the factual and legal issues presented by the action. See *Phillips v. Jasper County Jail*, 437 F.3d 791, 94 (8th Cir. 2006), *Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986), *Nelson*, 728 F.2d at 1005.

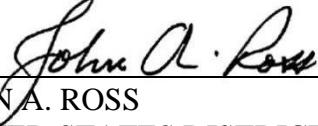
In the case at bar, petitioner has presented non-frivolous allegations in his petition. However, he has demonstrated, at this point, that he is well-able to present his claims to the Court, and it therefore cannot be said that he would substantially benefit from the appointment of counsel. In addition, neither the factual nor the legal issues appear complex, and there is no indication that petitioner's claims involve information that is not readily available to him. However, the Court recognizes that the relevant circumstances may change as the case progresses. The Court will therefore deny the motion for the appointment of counsel, without

prejudice. If appropriate at a later time, petitioner may file a motion to appoint counsel that addresses the relevant factors.

Accordingly,

IT IS HEREBY ORDERED that petitioner Dennis R. Nash's motion for the appointment of counsel (Docket No. 3) is **DENIED** without prejudice.

Dated this 7th day of December, 2017.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE