

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID JAMES BRODIGAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:18-cv-00273-JAR
)	
BEN E. SWINK, M.D., et al.,)	
)	
Defendants.)	
)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff David James Brodigan’s Fourth Motion for Appointment of Counsel. (Doc. 112.) The Court denied Plaintiff’s third such motion on April 30, 2020, finding that “the factual and legal issues of the case were not complex and that Plaintiff was able to represent his own interests” despite the fact that complications related to the COVID-19 pandemic “complicate matters for litigants, especially confined litigants.” (Doc. 110.) The Court also noted that it had recently extended the discovery deadline and that the additional time would help mitigate the difficulties created by the pandemic. (*Id.*)


For the same reasons, the Court will deny Plaintiff’s renewed request for counsel. There is no constitutional or statutory right to counsel in civil cases. *See Philips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). In determining whether to appoint counsel in a civil case, the Court should consider the factual complexity of the issues, the ability of the indigent person to investigate the facts, the existence of conflicting testimony, the ability of the indigent person to present the claims, and the complexity of the legal arguments. *Id.* (citing *Edgington v. Missouri Dep’t of Corr.*, 85 F.3d 777, 780 (8th Cir. 1995)).

In support of his pending motion, Plaintiff represents that he has lost access to the prison law library and that he has been separated from the fellow inmate who had previously helped him pursue his case. (Doc. 112.) While the Court is sympathetic to those difficulties, it concludes that Plaintiff remains capable of presenting his claims. Further, should the unusual circumstances necessitate additional time to prepare or respond to discovery requests or briefing, the Court will consider such requests at that time.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff David James Brodigan's Fourth Motion for Appointment of Counsel (Doc. 112), is **DENIED**.

Dated this 21st day of May, 2020.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE