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 Fifth Motion for Appointment of Counsel. (Doc. 115.) He represents that, due to the COVID-19 pandemic, he is confined to his cell for twenty-three hours every day. (*Id*.) He reportedly has no access to the law library, computer, law books, or other legal material. (*Id*.)

The Court denied Plaintiff's fourth motion for appointment of counsel on May 21, 2020, finding that, despite complications related to the COVID-19 pandemic, "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." (Doc. 113.)

Once more, 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)).

While the Court remains sympathetic to the difficulties of presenting a civil suit while in prison during a global pandemic, it concludes that Plaintiff is capable of adequately presenting his claims and reiterates that, should the unusual circumstances necessitate additional time to prepare or respond to discovery requests or briefing, the Court will liberally consider such requests at that time.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff David James Brodigan's Fifth Motion for Appointment of Counsel (Doc. 115), is **DENIED.**

Dated this 9th day of July, 2020.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE