

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

DARRYL LAMONT MAXIE,	)	
	)	
Movant,	)	
	)	
v.	)	No. 4:21-CV-1354 AGF
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

Movant moves for appointment of counsel in this action brought pursuant to 28 U.S.C. § 2255. After considering the motion and the pleadings, the motion is 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 (1) whether the movant has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the movant will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to movant'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.

Movant has presented non-frivolous allegations in his complaint. However, 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 are complex. Thus, the Court will deny movant's application for counsel at this time.

Accordingly,

**IT IS HEREBY ORDERED** that movant's motion for appointment of counsel [ECF No. 5] is **DENIED without prejudice**.

Dated this 18th day of November 2021.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE