

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM ZUCK,)	4:12CV3252
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MARIO PEART, et al.,)	
)	
Defendants.)	

This matter is before the court on several Motions filed by Plaintiff. (Filing Nos. [48](#), [57](#), [58](#), and [62](#).)

Plaintiff has filed a Motion for Appointment of Counsel. (Filing No. [48](#).) In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel” *Id.* (quotation and citation omitted). No such benefit is apparent here. The request for the appointment of counsel is therefore denied without prejudice.

Plaintiff has filed a Motion for Status. (Filing No. [57](#).) In his Motion, Plaintiff asks the court to inform him whether Defendants have been served with his Amended Complaint. (*Id.*) The court refers Plaintiff to filing numbers 27 through 36, and filing number 47. The record before the court shows that Plaintiff’s summons were returned unexecuted as to Defendants Frank Hopkins and Robert Houston. (*See* Filing Nos. [35](#) and [36](#).) In addition to requesting information about service of process, Plaintiff asks the court to send him two summons and 2 USM-285 forms. (Filing No. [57](#).) The court will direct the Clerk of court to send Plaintiff the requested forms. To the extent that the information above provides Plaintiff with the relief he was seeking, his Motion for Status is granted. To the extent Plaintiff seeks something further, his Motion is denied.

Plaintiff has filed two Motions for Extension of Time to Respond to Defendants' Motion for Summary Judgment. (Filing Nos. [58](#) and [62](#).) In his Motions, Plaintiff asks for additional time to respond to Defendants' Motion for Summary Judgment, which was filed on January 21, 2014. (*Id.*; *see also* Filing No. [51](#).) The court will grant Plaintiff's request for an extension of time. Plaintiff shall respond to Defendants' Motion for Summary Judgment no later than March 28, 2014.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Appointment of Counsel (filing no. [48](#)) is denied without prejudice to reassertion.
2. Plaintiff's Motion for Status (filing no. [57](#)) is granted in accordance with this Memorandum and Order.
3. Plaintiff's Motions for Extension of Time to Respond to Defendants' Motion for Summary Judgment (Filing nos. [58](#) and [62](#)) are granted. Plaintiff shall respond to Defendants' Motion for Summary Judgment no later than March 28, 2014.
4. The Clerk of the court shall send TWO (2) summons forms and TWO (2) USM-285 forms to Plaintiff together with a copy of this Memorandum and Order. Plaintiff shall, as soon as possible, complete the forms and send the completed forms back to the Clerk of the court. In the absence of the forms, service of process cannot occur.
5. Upon receipt of the completed forms, the Clerk of the court will sign the summons form, to be forwarded with a copy of the Complaint to the U.S. Marshal for service of process. The Marshal shall serve the summons and Complaint without payment of costs or fees. Service may be by certified mail pursuant to [Fed. R. Civ.](#)

[P. 4](#) and Nebraska law in the discretion of the Marshal. The Clerk of the court will copy the Complaint, and Plaintiff does not need to do so.

6. Plaintiff will be given until April 14, 2014, to complete service of process on Defendants.

7. If Plaintiff does not complete service of process by April 14, 2014, his claims against any unserved defendants may be dismissed without prejudice and without further notice, and this action will proceed only as to Plaintiff's claims against the defendants who have been served.

8. The clerk's office is directed to set a pro se case management deadline with the following text: April 14, 2014: Deadline for Plaintiff to complete service of process.

DATED this 3rd day of March, 2014.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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