

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PAVON EMILIO, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ROBERT P. HOUSTON, Director, )  
 FRED BRITTEN, Warden, and L. )  
 ANTHOLZ, Officer, )  
 )  
 Defendants. )

4:13CV3088

**MEMORANDUM  
AND ORDER**

Plaintiff Pavon Emilio has filed a motion seeking the appointment of counsel. (Filing No. [38](#).) The court cannot routinely appoint counsel in civil cases. 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 at this point. Thus, the request for the appointment of counsel is denied without prejudice to reassertion.

IT IS THEREFORE ORDERED that: Plaintiff’s Motion to Appoint Counsel (Filing No. [38](#)) is denied without prejudice.

DATED this 3rd day of September, 2014.

BY THE COURT:

*s/ John M. Gerrard*  
United States District Judge

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