

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEPHEN CAVANAUGH,)
)
 Plaintiff,)
)
 v.)
)
 HALL COUNTY DEPARTMENT)
 OF CORRECTIONS, RUIZ,)
 Director, VAN, Assistant Director,)
 SPAR, Sgt, CASTLEBERRY, Sgt,)
 CONNELLY, Sgt, and REI, Sgt,)
)
 Defendants.)

4:14CV3062

**MEMORANDUM
AND ORDER**

This matter is before the court on Stephen Cavanaugh’s Motion to Appoint Counsel (Filing No. [33](#)) and Motion for Hearing/Order (Filing No. [35](#)). 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.* (internal citation and quotation marks omitted). No such benefit is apparent here at this time. Thus, the request for the appointment of counsel will be denied without prejudice to reassertion.

The court will also deny Plaintiff’s Motion for Hearing/Order. The court denied Plaintiff’s request for a preliminary injunction on February 18, 2015. (*See* Filing No. [31](#).) Therefore, a hearing on the request for a preliminary injunction is unnecessary.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Motion to Appoint Counsel (Filing No. [33](#)) is denied without prejudice.

2. Plaintiff's Motion for Hearing/Order (Filing No. [35](#)) is denied.

3. Plaintiff's discovery-related motions (Filing Nos. [34](#) and [37](#)) will remain pending until after Defendants have had an opportunity to respond to them.

DATED this 2nd day of March, 2015.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge

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