

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRENT SCOTT BAILEY,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF NEBRASKA,)
 NEBRASKA HEALTH & HUMAN)
 SERVICES, CUSTER COUNTY,)
 CUSTER COUNTY DISTRICT)
 ATTORNEY, and AMANDA MAE)
 WILDER-BAKER,)
)
 Defendants.)
)

7:16CV5007

ORDER

This matter is before the court on two motions filed by Plaintiff. For the reasons discussed below, both motions will be denied.

I. Motion for Appointment of Counsel

Plaintiff seeks the appointment of counsel. (Filing No. [13](#).) 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 time. Thus, the request for the appointment of counsel is denied without prejudice to reassertion.

II. Motion for Service of Summons

Plaintiff has moved (Filing No. [12](#)) for service of process at government expense. This motion is premature, as the court has not yet conducted an initial review of Plaintiff's Complaint pursuant to [28 U.S.C. § 1915\(e\)\(2\)](#). Service shall not be ordered until the court determines that Plaintiff has asserted a plausible claim for relief.

IT IS ORDERED: Plaintiff's motions seeking the appointment of counsel (Filing No. [13](#)) and service of summons (Filing No. [12](#)) are denied.

DATED this 30th day of January, 2017.

BY THE COURT:
s/ Richard G. Kopf
Senior United States District Judge