

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. )  
 )

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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