

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MATTHEW LIVERS, Plaintiff, v. EARL SCHENCK, et al., Defendants.	))))))))))	8:08CV107 ORDER
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This matter is before the court on David Kofoed's Application and Affidavit ([Filing No. 315](#)) seeking appointment of counsel. The court cannot routinely appoint counsel in civil cases. The Eighth Circuit Court of Appeals explained:

Indigent 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, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim.

[Davis v. Scott](#), 94 F.3d 444, 447 (8th Cir. 1996) (internal quotation and citations omitted). The court finds appointment of counsel is not necessary at this time to enable the defendant to pursue his interests in this lawsuit. Mr. Kofoed will proceed *pro se* unless he retains legal counsel or counsel is appointed by the court at a later time. Upon consideration,

IT IS ORDERED:

David Kofoed's Application and Affidavit ([Filing No. 315](#)) seeking appointment is denied, without prejudice.

DATED this 30th day of September, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge