

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

DAVID L. JOHNSON, JR.,

Plaintiff,

vs.

**COUNTY OF DOUGLAS,
NEBRASKA,**

Defendant.

8:09CV356

ORDER

This matter is before the court on the plaintiff's Motion to Appointment of Counsel (Filing No. 148). "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" *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996) (quotation and citation omitted). In his application, the plaintiff, who was previously granted in forma pauperis status, states his prior counsel cannot proceed with this case. Assuming the plaintiff's is indigent under 28 U.S.C. § 1915(a) and (e)(1), the plaintiff fails to provide any reason the appointment of counsel would benefit him or the court. The court entered judgment in this civil action on December 19, 2012. **See** Filing No. 128. On August 2, 2013, the Eighth Circuit Court of Appeals affirmed this court's grant of summary judgment. **See** Filing Nos. 139 and 140. No further action or proceedings remain pending in this case. Accordingly,

IT IS ORDERED:

The plaintiff's Motion to Appointment of Counsel (Filing No. 148) is denied.

Dated this 3rd day of November, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge