

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

JOSEPH K. BURKE,)	
)	
Plaintiff,)	8:10CV445
)	
v.)	
)	
MICHAEL J. ASTRUE,)	ORDER
Commissioner of Social)	
Security Administration,)	
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff's motion for leave to proceed *in forma pauperis* (Filing No. [2](#)), motion for appointment of counsel (Filing No. [4](#)), certificate of service (Filing No. [6](#)), which has been construed as a motion for issuance of summons, and motion for fees and expenses (Filing No. [8](#)). The Court has reviewed the statement in support of request to proceed *in forma pauperis* and finds said motion should be granted.

Plaintiff has requested the appointment of counsel. There is neither a constitutional nor statutory right to have counsel appointed in civil cases. Any such appointment is at the discretion of the trial court. As a general rule, counsel will not be appointed unless the case is unusually complex or the plaintiff's ability to articulate the claims is impaired. At this time, the motion will be denied without prejudice.

There is no basis for plaintiff's motion for fees and expenses, and it will be denied. Accordingly,

IT IS ORDERED:

1) Plaintiff's motion for leave to proceed *in forma pauperis* is granted. This action shall be filed at no cost to plaintiff pursuant to 28 U.S.C. § 1915(a)(1).

2) Plaintiff's motion for appointment of counsel is denied without prejudice.

3) Plaintiff's motion for fees and expenses is denied.

DATED this 10th day of January, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court