Herrera v. Mowry et al Doc. 55

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PIMENIO VELA HERRERA,	)	8:12CV321
	)	
Plaintiff,	)	
	)	
v.	)	**MEMORANDUM**
	)	**AND ORDER**
TAMMY MOWRY, et al.,	)	
	)	
Defendants.	)	

Plaintiff Pimenio Vela Herrera has filed a motion seeking the appointment of counsel. (Filing No. 54.) 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 here. Thus, the request for the appointment of counsel is denied without prejudice to reassertion.

IT IS THEREFORE ORDERED that: Plaintiff's Motion to Appoint Counsel (Filing No. 54) is denied without prejudice.

DATED this 18th day of April, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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