

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES GARTEN,)
)
Plaintiff,)
)
v.)
)
KEITH COUNTY ATTORNEY’S)
OFFICE, et al.,)
)
Defendants.)

8:14CV24

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On June 18, 2014, the court conducted an initial review of Plaintiff’s Complaint. On the court’s own motion, the court gave Plaintiff 30 days in which to file an amended complaint that stated a claim upon which relief may be granted against Defendants. (Filing No. [19](#).) In response, Plaintiff filed motions seeking the appointment of counsel (Filing No. [20](#)) and the production of various documents (Filing No. [21](#)).

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.

In addition, Plaintiff’s request for the production of documents is denied. This matter will not proceed to service of process or discovery unless so ordered by this court after review of an amended complaint. Here, Plaintiff failed to file an amended complaint within 30 days as directed by this court.

On the court's own motion, the court will give Plaintiff an additional 30 days in which to file an amended complaint in accordance with the court's Memorandum and Order dated June 18, 2014 (Filing No. [19](#)).

IT IS ORDERED that:

1. Plaintiff's Motions seeking the appointment of counsel (Filing No. [20](#)) and the production of documents (Filing No. [21](#)) are denied.
2. On the court's own motion, the court will extend the time in which Plaintiff has to file an amended complaint in accordance with the court's Memorandum and Order dated June 18, 2014 (Filing No. [19](#)). Plaintiff must file an amended complaint within 30 days from the date of this Memorandum and Order.
3. Failure to comply as directed will result in dismissal of this case for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.
4. The clerk's office is directed to mail to Plaintiff a copy of the court's Memorandum and Order dated July 18, 2014, together with a copy of this Memorandum and Order.
5. The clerk's office is directed to set a pro se case management deadline using the following text: September 8, 2014: check for amended complaint; dismiss if none.

DATED this 4th day of August, 2014.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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