

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LONNIE CROCKER,	)	8:14CV102
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
STATE OF NEBRASKA,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. On April 1, 2014, Plaintiff filed his Complaint. (Filing No. [1](#).) On April 15, 2014, the court assessed an initial partial filing fee in the amount of \$17.91 in accordance with [28 U.S.C. § 1915\(b\)\(1\)](#). (Filing No. [10](#).) The court gave Plaintiff until May 12, 2014, to pay the initial partial filing fee. The court warned Plaintiff that failure to do so would result in dismissal of this case.

The May 12, 2014, deadline has passed and Plaintiff has not paid the initial partial filing fee or asked for an extension of time in which to do so. Therefore, the court will dismiss Plaintiff's case because he failed to comply with the court's orders. See [Fed. R. Civ. Pro. 41\(b\)](#); see also [Conley v. Holden, No. 03-3908, 2004 WL 2202452, at \\*1 \(8th Cir. Sept. 21, 2004\)](#) (affirming district court's dismissal of inmate's case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (filing no. [1](#)) is dismissed without prejudice because Plaintiff failed to comply with this court's orders.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

3. Plaintiff's Motions for the Appointment of Counsel (Filing No. [4](#) and Filing No. [9](#)) are denied as moot. In the alternative, the motions are denied because the court has carefully reviewed the record and finds that there is no need for the appointment of counsel. 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.

DATED this 12<sup>th</sup> day of June, 2014.

BY THE COURT:

*Richard G. Kopp*  
Senior United States District Judge

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