Harvey v. Nebraska Department of Correctional Services et al Doc. 14

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JASON WILLIAM HARVEY,	)	8:15CV102
	)	
Plaintiff,	)	
	)	
v.	)	**MEMORANDUM**
	)	**AND ORDER**
NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES, RANDY KOHL, STEVEN E. RADEMACHER, and JULIE A. PEW,	)	
	)	
Defendants.	)	

Plaintiff has filed a Motion to Appoint Counsel (Filing No. 13). 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.* (internal citation and quotation marks omitted). No such benefit is apparent here at this time. Thus, the request for the appointment of counsel will be denied without prejudice to reassertion.

IT IS THEREFORE ORDERED that: Plaintiff's Motion to Appoint Counsel (Filing No. 13) is denied without prejudice to reassertion.

DATED this 30th day of October, 2015.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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