

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRIAN FRANK GUERRY,)
)
Plaintiff,)
)
V.)
)
SCOTT FRAKES, Director, BRIAN)
GAGE, Warden, GUIFFE, Case)
Worker, THOMPSON, Case Worker,)
and NEBRASKA DEPARTMENT OF)
CORRECTIONS AGENCY,)
)
Defendants.)
_____)

8:15CV323

**MEMORANDUM
AND ORDER**

Plaintiff filed a motion requesting the appointment of counsel in this matter. (Filing No. [44](#).) 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.” Trial courts have “broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present his claim.” *Id.* Having considered these factors, the request for the appointment of counsel will be denied without prejudice to reassertion at a later time.

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Appointment of Counsel (Filing No. [44](#)) is denied without prejudice to reassertion.

DATED this 15th day of November, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge