

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVIN L. BROWN JR.,)	
)	
Plaintiff,)	8:16CV217
)	
v.)	
)	MEMORANDUM
ROBERT HOUSTON, Director, in his official and individual capacity, et al.,)	AND ORDER
)	
Defendants.)	

Plaintiff, an inmate at the Tecumseh State Prison, has been granted leave to proceed in forma pauperis (Filing No. [8](#)), has paid his initial partial filing fee (Filing No. [15](#)), and his Complaint awaits initial review to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). Plaintiff now moves (for the second time) for appointment of counsel (Filing No. [16](#)) and to amend his Complaint (Filing No. [18](#)).

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). As initial review has not yet occurred, and the defendants have not yet been served and filed answers or dispositive motions, no such benefit is apparent at this time. Thus, Plaintiff’s request for the appointment of counsel will be denied.

Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion for Appointment of Counsel (Filing No. [16](#)) is denied.
2. Plaintiff's Motion to Amend Complaint (Filing No. [18](#)) is granted, and Filing No. [18](#) shall be deemed Plaintiff's Supplemental Complaint.

DATED this 11th day of July, 2016.

BY THE COURT:
s/ Richard G. Kopf
Senior United States District Judge