IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

MARVIN L. BROWN JR.,)
Plaintiff,)
V.)) 8.16CV217
ROBERT HOUSTON, Director, in his official and individual capacity, MICHAEL KENNEY, Director, in his official and individual capacity, SCOTT FRAKES, Director, in his official and individual capacity, DIANE SABAKA RHINE, Associate Director, in her official and individual capacity, RANDY KOHL, Medical Director, in his official and individual capacity, FRANCIS BRITTEN, Warden, in his official and individual capacity, MARIO PEARTZ, Warden, in his official and individual capacity, BRIAN GAGE, Warden, in his official and individual capacity, SCOTT BUSBOOM, Associate Warden, in his official and individual capacity, SHAWN SHERMAN, Unit Admin., in his official and individual capacity, DR. JEFF DAMME, in his official and individual capacity, DR. CASEBOLT, in his official and individual capacity, KIMBERLY DOHT, APRN, in his official and individual capacity, CHERYL FLINN, in her official and individual capacity, LUE YOUNG, in her official and individual capacity, CHRIS, PA/RNS, in his official and individual capacity, T PELLA, CPL Officer, in his official and individual capacity, TAYLOR, in his official and individual capacity, and FALK, Caseworker and Case Manager, in his official and) 8:16CV217)) MEMORANDUM AND ORDER
individual capacity, Defendants.)))
)

Along with his Complaint (Filing No. 1) and Motion for Leave to Proceed In Forma Pauperis (Filing No. 2), Plaintiff has filed a Motion to Appoint Counsel (Filing No. 4). 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[.]" <u>Id.</u> (internal citation and quotation marks omitted). As the court has not yet conducted an initial review of Plaintiff's complaint, no such benefit is apparent at this time. Thus, Plaintiff's request for the appointment of counsel will be denied.

IT IS ORDERED that Plaintiff's Motion to Appoint Counsel (Filing No. 4) is denied.

DATED this 18th day of May, 2016.

BY THE COURT:

Richard G. Kopf Senior United States District Judge