

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSHUA M. NICKMAN,)
)
Plaintiff,)

8:16CV262

V.)

JUAN M. ZARRAGA, official)
capacity, SHELBY L. RAWLINGS,)
official capacity, ANDREW L.)
MCLEAN, official capacity, COLTON)
J. GUERRERO, official capacity,)
MICHAEL TUBBS, official capacity,)
JESUS J. RAMIREZ, official capacity,)
JAIME LYN CRAFT, official capacity,)
JESSICA M. STROUP, official)
capacity, SCOTT B. ANDREALA,)
official capacity, ERIC JON LITTLE,)
official capacity, JONATHAN R.)
TRIPP, official capacity, AARON)
CRAY, official capacity, TODD)
BAHENSKY, official capacity, LACY,)
official capacity, HALL COUNTY)
CORRECTIONS, official capacity, and)
J. JONES, official capacity,)
)
Defendants.)

**MEMORANDUM
AND ORDER**

Plaintiff has filed a Motion (Filing No. [38](#)) seeking 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.” 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 at this time without prejudice to reassertion.

Plaintiff has also filed a "Motion for Interrogatories and Request for Production of Documents" (Filing No. [39](#)) and "Motion for Production of Documents" (Filing No. [40](#)). Plaintiff is advised that requests for discovery should be served upon the parties, not filed with the court. Also, Defendants have yet to file an answer in this case. Therefore, these motions will be denied.

IT IS THEREFORE ORDERED:

1. Plaintiff's Motion to Appoint Counsel (Filing No. [38](#)) is denied without prejudice to reassertion.
2. Plaintiff's Motion for Interrogatories and Request for Production of Documents (Filing No. [39](#)) is denied.
3. Plaintiff's Motion for Production of Documents (Filing No. [40](#)) is denied.

DATED this 30th day of November, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge