

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARLAND BROOKS,

Plaintiff,

Case # 14-CV-6690-FPG

v.

DECISION AND ORDER

GREGORY MULLEN et al.,

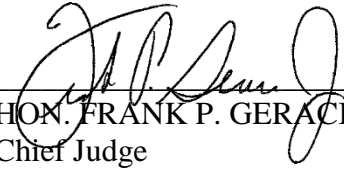
Defendants.

On November 27, 2017, *pro se* Plaintiff Marland Brooks moved to appoint counsel. ECF No. 28.¹ There is no constitutional right to appointed counsel in civil cases, although the Court may appoint counsel to assist indigent litigants pursuant to 28 U.S.C. § 1915(e). *See, e.g., Sears, Roebuck & Co. v. Charles Sears Real Estate, Inc.*, 865 F.2d 22, 23 (2d Cir. 1988). The Court must carefully consider whether to appoint counsel, because “every assignment of a volunteer lawyer deprives society of a volunteer lawyer available for a deserving cause.” *Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989). The Court must consider several factors, including whether the indigent’s claims seem likely to be of substance and any special reason why appointment of counsel would be more likely to lead to a just determination. *See Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997); *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986).

Here, it is unclear whether Plaintiff’s claims are likely to be of substance because this case is in the early stages of litigation. Magistrate Judge Jonathan W. Feldman recently issued a scheduling order in this case and all discovery deadlines are set for 2018. There are also no special reasons to justify appointment of counsel at this time. Therefore, Plaintiff’s Motion to Appoint Counsel (ECF No. 28) is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: December 15, 2017
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court

¹ Plaintiff also moved to appoint counsel on December 15, 2016 (ECF No. 13) and November 13, 2017 (ECF No. 25) and the Court denied those motions (ECF Nos. 14, 26).