

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JARVIS J. PORTER,

Plaintiff,

Case # 16-CV-6747-FPG

v.

DECISION AND ORDER

T.J. McDONNELL et al.,

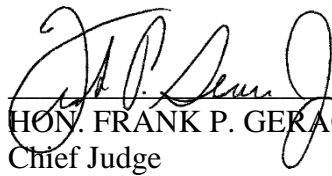
Defendants.

On November 22, 2017, *pro se* Plaintiff Jarvis Porter moved to appoint counsel. ECF No. 12. 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. *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. Defendant McDonnell just answered Plaintiff’s Complaint on November 10, 2017, and Defendant Carpino’s answer is not due until January 2, 2018. ECF Nos. 10, 13. Therefore, Plaintiff’s Motion to Appoint Counsel (ECF No. 12) 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