

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15-cv-246-MOC**

BRADFORD D. ALLEN,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
MADISON CO. SHERIFF’S DEPT./JAIL, ET AL.,)	
)	
Defendants.)	
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THIS MATTER is before the Court on the following motions filed by pro se Plaintiff Bradford D. Allen in this matter: Motion to Appoint Counsel, (Doc. No. 79), Motion for An Order Seeking Judgment of Contempt, (Doc. No. 80), Motion for Sanctions, (Doc No. 81), and Motion for Extension of Time to file Response/Reply and Notice of Temporary Address, (Doc. No. 91).

First, as to Plaintiff’s Motion to Appoint Counsel, there is no absolute right to the appointment of counsel in civil actions such as this one. Therefore, a plaintiff must present “exceptional circumstances” in order to require the Court to seek the assistance of a private attorney for a plaintiff who is unable to afford counsel. Miller v. Simmons, 814 F.2d 962, 966 (4th Cir. 1987). Notwithstanding Plaintiff’s contentions to the contrary, this case does not present exceptional circumstances justifying appointment of counsel. Therefore, Plaintiff’s Motion to Appoint Counsel will be denied.

Next, as to Plaintiff’s Motion for an Order Seeking Judgment of Contempt, (Doc. No. 80), in which Plaintiff states that he seeks “a judgment of contempt for defendants non-compliance of the federal rules of civil procedure, as well as numerous direct court orders,” the

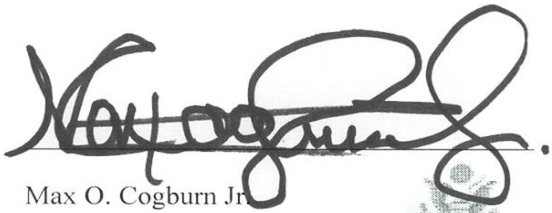
motion will be denied, as Plaintiff has not shown that Defendants are in contempt of court. Likewise, his “Motion for Sanctions” will be denied, as Plaintiff has simply not shown that Defendants have engaged in spoliation of evidence in this matter.

Finally, as for Plaintiff’s Motion for Extension of Time to File Response/Reply and Notice of Temporary Address Change, (Doc. No. 91), Plaintiff’s motion will be denied as moot.

For the reasons stated herein, the following motions filed by Plaintiff are **DENIED**: Motion to Appoint Counsel, (Doc. No. 79), Motion for An Order Seeking Judgment of Contempt, (Doc. No. 80), Motion for Sanctions, (Doc No. 81), and Motion for Extension of Time to file Response/Reply and Notice of Temporary Address, (Doc. No. 91).

IT IS SO ORDERED.

Signed: November 17, 2017



Max O. Cogburn Jr.
United States District Judge