

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-561-FDW

EDWARD EARL BROWN, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 ALEJANDRO PHILLIPS, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff’s *pro se* Motion for the Appointment of Counsel, (Doc. No. 142), and Motion for Default Judgment, (Doc. No. 143).

The *pro se* incarcerated Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983. Four Defendants prevailed at a jury trial on March 4, 2020, (Doc. Nos. 133-136), and Default Judgment was entered for \$20,000 against Defendant Jonathan Baker on March 5, 2020, (Doc. No. 140). The case is now closed.

The Plaintiff now seeks the appointment of counsel to help him collect against Defendant Baker. (Doc. No. 142). He argues that he is unable to afford counsel, the issues involved are complex; Plaintiff’s incarceration prevents him from obtaining “personal information” for Defendant Baker, which is preventing him from collecting the default judgment; Plaintiff has limited knowledge of the relevant law; and Plaintiff has been unable to find an attorney willing to take his case. The Plaintiff’s Motion will be denied because he has failed to demonstrate the existence of extraordinary circumstances that would warrant the appointment of counsel in this closed civil action. See Miller v. Simmons, 814 F.2d 962, 966 (4th Cir. 1987). The Clerk will, however, be instructed to mail the Plaintiff a copy of the Writ of Execution (DC 11) packet as a

courtesy.

The Plaintiff has also filed a Motion for Default Judgment which is a duplicate of Plaintiff's earlier filings in this case. See (Doc. No. 139). The Motion will therefore be denied as moot.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for the Appointment of Counsel, (Doc. No. 142), is **DENIED**.
2. Plaintiff's Motion for Default Judgment, (Doc. No. 143), is **DENIED** as moot.
3. The Clerk is instructed to mail the Plaintiff a copy of the Writ of Execution (DC 11) packet.

Signed: February 9, 2021



Frank D. Whitney
United States District Judge

