

no constitutional right to counsel.⁷ While the Court “may request an attorney to represent any person unable to afford counsel,”⁸ it should only do so in “exceptional circumstances.”⁹ The Court considers: (i) the complexity of the case, (ii) the plaintiff’s ability to represent himself, and (iii) the plaintiff’s chances of success.¹⁰

Here, while Cody may ultimately succeed, the other two factors cut against appointment. As Cody himself concedes, this is not a complex case.¹¹ Further, Cody seems capable of representing himself. His briefs are well-written, well-researched, and competent. In fact, Cody has already won an appeal in this case.¹² Accordingly, this is not the exceptional case that warrants appointment. The Court denies Cody’s request.

The Federal Rules of Civil Procedure require the complaint to include a short and plain statement of the claims.¹³ Noting that Cody’s nearly 500-page complaint was neither, the Court ordered Cody to file a new complaint, not exceeding twenty pages, by March 14, 2019.¹⁴ The Court then extended that time to April 15th.¹⁵ When Cody missed that deadline, the Court ordered him to show cause why the case should not be dismissed.¹⁶

Cody claims that his incarceration has prevented him from complying.¹⁷ Recognizing the difficulties of litigating while in prison, the Court will allow Cody thirty additional days to comply with the Court’s order. It will grant no further extensions.

⁷ *Lavado v. Keohane*, 992 F.2d 601, 605 (6th Cir. 1993).

⁸ 28 U.S.C. § 1915(e)(1).

⁹ *Lavado*, 992 F.2d at 606.

¹⁰ *Id.*

¹¹ Doc. 27 at 5.

¹² *Cody v. Slusher*, No. 17-3764, 2018 WL 3587003 (6th Cir. Mar. 8, 2018).

¹³ Fed. R. Civ. P. 8(a)(2).

¹⁴ Doc. 19.

¹⁵ Doc. 23.

¹⁶ Doc. 25.

¹⁷ Cody alleges, *inter alia*, that prison officials have confiscated his case notes, that he has been unable to access the prison law library due to lockdowns, and that gang activity in his area has made drafting impossible. Doc. 26.

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Gwin, J.

For the foregoing reasons, the Court **DENIES** Plaintiff's motion for an extension, **DENIES** Plaintiff's motion for appointment of counsel, and **ORDERS** Plaintiff to file a new complaint not exceeding twenty pages within thirty days.

IT IS SO ORDERED.

Dated: May 15, 2019

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE