

In her reconsideration motion, Plaintiff Loper asks for appointment of counsel because she cannot afford counsel.⁸ As an initial matter, the Court notes that Loper could have raised this argument in her original motion.

Nevertheless, the Court still declines to grant Loper's request for appointment of counsel. The Court has discretion to appoint counsel for an indigent civil litigant.⁹ As the Court previously noted, the Sixth Circuit has stated:

Appointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances. In determining whether "exceptional circumstances" exist, courts have examined the type of case and the abilities of the plaintiff to represent himself. This generally involves a determination of the complexity of the factual and legal issues involved.¹⁰

While the Court is sensitive to the financial burdens associated with litigation, the Court sees no exceptional circumstances warranting appointment of counsel in this case. As the Court noted, Loper seemingly has a basic understanding of the legal process, has experience bringing similar *pro se* lawsuits on behalf of her children, and is in a better position to obtain counsel than many other civil litigants because she brings a claim under a statute with a fee-shifting provision.¹¹

For these reasons, the Court **DENIES** Plaintiff Loper's motion for reconsideration. The Court also construes Plaintiff Loper's request to withdraw as a motion for voluntary dismissal without prejudice under [Federal Rule of Civil Procedure 41\(a\)\(2\)](#) and **GRANTS** the motion.

IT IS SO ORDERED.

Dated: May 4, 2018

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁸ Doc. [15](#).

⁹ [Lavado v. Keohane, 992 F.2d 601, 605 \(6th Cir. 1993\)](#)

¹⁰ *Id.* at 605-06 (internal quotations and citations omitted).

¹¹ Doc. [8](#).