

exceptional circumstances.”), *abrogated on other grounds by Mallard v. U.S. Dist. Court for S. Dist. of Iowa*, 490 U.S. 296 (1989). Exceptional circumstances exist where “it is apparent to the district court that a pro se litigant has a colorable claim but lacks the capacity to present it.” *Id.* at 163.

At this stage of the instant action, it has become clear that Plaintiff has a potentially meritorious claim which he is ill-equipped to litigate in a trial setting. Therefore, the court **GRANTS** Plaintiff’s Motion (ECF No. 92) and **APPOINTS** Attorney Lindsay Anne Joyner (“Attorney Joyner”) of Gallivan, White & Boyd, PA in Columbia, South Carolina as pro bono counsel to assist Plaintiff in this case and to represent him at trial. Attorney Joyner is ordered to contact Plaintiff, as soon as possible, and the Clerk shall enter a scheduling order to serve the purposes of mediation and the trial of this case.

IT IS SO ORDERED.



United States District Judge

February 15, 2018
Columbia, South Carolina