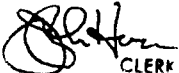


FILED

JUL 07 2014


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

SILVER NICOLICE McCLANAHAN,

Plaintiff,

vs.

DARIN YOUNG, Warden of the South
Dakota State Penitentiary; JENNIFER
WAGNER, Associate Warden of Security;
ART ALLCLCK, Liason for DCI; and
KEITH DITMANSON, Unit Manager,

Defendants.

*
*
*
*
*
*
*
*
*
*
*
*
*
*
*

CIV 13-4140-RAL

ORDER DENYING MOTION
FOR CERTIFICATION OF CLASS
AND APPOINTMENT OF COUNSEL

On June 20, 2014, Plaintiff Silver Nicolice McClanahan filed a Motion for Certification of Class and Appointment of Counsel. Doc. 11. McClanahan is an inmate in state custody who filed a civil rights complaint under 28 U.S.C. § 1343(a) and 42 U.S.C. § 1983. Doc. 1. This Court recently screened McClanahan’s Complaint and directed service on the Defendants. Doc. 8.

McClanahan’s Complaint sought relief only on his behalf and described alleged mistreatment of him, and him alone, by state officials. McClanahan’s Complaint contained no allegations supporting a class action. See Doc. 1. McClanahan’s subsequent filing fails to satisfy the standard under Rule 23 of the Federal Rules of Civil Procedure for certification of a class action.

McClanahan does not have a right to court appointed counsel in a proceeding of this nature. See Ward v. Smith, 721 F.3d 940, 942 (8th Cir. 2013) (per curiam) (explaining in case where plaintiff brought claims under § 1983 that there is no constitutional or statutory right to appointed counsel in civil cases); Phillips v. Jasper Cnty. Jail, 437 F.3d 791, 794 (8th Cir. 2006) (same).

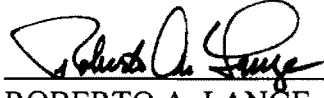
McClanahan coupled his request for appointment of counsel with a motion to proceed with a class action. This Court wishes to await the response of the state officials before evaluating whether this case justifies appointment of counsel and whether doing so would be beneficial to this Court and to the proper administration of justice.

Therefore, it is hereby

ORDERED that McClanahan's Motion for Certification of Class and Appointment of Counsel, Doc. 11, is denied without prejudice.

Dated July 7th, 2014.

BY THE COURT:



ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE