

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FRANK THUNDER HAWK-GALLARDO,  Plaintiff,  vs.  USM NAME UNKOWN, SGT. WENDLING, DRE RED FEATHER,  Defendants.	4:17-CV-04001-KES  ORDER DENYING MOTIONS
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Frank Thunder Hawk-Gallardo is an inmate at the Pennington County Jail in Rapid City, South Dakota. He filed a pro se civil rights lawsuit under 42 U.S.C. § 1983. Docket 1. Gallardo now moves the court to send him summons forms. Docket 9. But Gallardo has already been sent the forms he seeks. Docket 12. Therefore, he motion is denied as moot.

Gallardo also moves the court to appoint him counsel. Docket 10. "A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). In determining whether to appoint counsel to a pro se litigant's civil case, the district court considers the complexity of the case, the ability of the indigent litigant to investigate the facts, the existence of conflicting testimony, and the indigent's ability to present his claim. *Id.* Gallardo's claims are not complex,

and he appears able to adequately present his § 1983 claims at this time.

Therefore, his motion is denied.

Accordingly, it is ORDERED

1. Gallardo's motion for Rule 4(m) for summons form & USM 285 form (Docket 9) is denied as moot.
2. Gallardo's motion to appoint counsel (Docket 10) is denied.

Dated April 6, 2017.

BY THE COURT:

*/s/ Karen E. Schreier*

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KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE