

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

HARRIL GLEN SCOTT

§

Vs.

§

CIVIL ACTION NO. 6:11CV276

PFIZER PHARMACEUTICAL

§

ORDER

On June 23, 2011, Plaintiff, proceeding *pro se* and *in forma pauperis*, filed a Motion for Appointment of Counsel (document [#5](#)). The case was referred to the undersigned for all pretrial matters in accordance with 28 U.S.C. § 636.

Plaintiff does not have a constitutional or statutory right to the appointment of counsel in a civil case. Pursuant to 28 U.S.C. § 1915(e)(1), judges have the authority to appoint counsel for an indigent party in any suit. This authority, however, is discretionary and is not often invoked. *Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987). Counsel will not be appointed absent “exceptional circumstances,” which are dependent on the type and complexity of the case and the abilities of the individual pursuing that case. *Id*; see also *Pennington v. Tex. Highway Dep’t*, 990 F.2d 627 (5th Cir.1993).

Having carefully reviewed the Complaint, the undersigned is of the opinion that the case is not unduly complicated requiring the appointment of counsel. See *Robbins v. Maggio*, 750 F.2d 405 (5th Cir. 1985); *Ulmer v. Chancellor*, 691 F.2d 209, 212-13 (5th Cir. 1982). Plaintiff has not shown exceptional circumstances warranting the appointment of counsel.

Based on the foregoing, it is hereby

ORDERED that the Motion for Appointment of Counsel (document [#5](#)) is **DENIED**.

So **ORDERED** and **SIGNED** this **4** day of **January, 2012**.



JUDITH K. GUTRIE
UNITED STATES MAGISTRATE JUDGE