

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**JUSTIN COOK,**

**Plaintiff,**

**v.**

**Civil Action No. 3:07cv91  
(Judge Bailey)**

**JIM RUBENSTEIN, et al.,**

**Defendants.**

**ORDER DENYING MOTION FOR COUNSEL**

On July 19, 2007, *pro se* plaintiff, Justin Cook, filed a motion in the above-styled action for appointment of counsel. In contrast to a criminal proceeding in which the Court has a duty to assign counsel to represent an indigent defendant in accordance with his constitutional rights, the Court in a civil case has the discretion to request an attorney to represent a person unable to employ counsel. See 28 U.S.C. §1915(e)(1). It is well settled that in a civil action the Court should appoint counsel to represent an indigent only after a showing of a particular need or exceptional circumstances. Cook v. Bounds, 518 F.2d 779 (4<sup>th</sup> Cir. 1975). The plaintiff has failed to demonstrate that his current circumstances require the appointment of counsel for him to pursue a civil rights cause of action under 42 U.S.C. §1983. Thus, the Court finds that appointment of counsel is not necessary in order for the plaintiff to adequately pursue his complaint. Accordingly, the plaintiff's motion for appointment of counsel (dckt.2) is DENIED.

IT IS SO ORDERED.

The Clerk of the Court is directed to mail a copy of this Order to the *pro se* plaintiff and any counsel of record.

DATED: July 20, 2007

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE