

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DELLWAYNE PRICE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:21-CV-179 (MTT)
)	
LATONYA LAMAR and)	
CALPURNIA WASHINGTON)	
)	
)	
Defendants.)	
)	
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ORDER

On May 27, 2021, Plaintiff Dellwayne Price filed a 42 U.S.C. § 1983 claim alleging the defendants violated his Eighth Amendment rights. Doc. 1. On March 29, 2023, the Court held a pretrial conference and notified the parties that the case is set for trial on April 19, 2023. Doc. 28. At the hearing, the Court explained basic trial procedure and discussed the witnesses and evidence Price would present. *Id.* The Court inquired into the status of the video camera evidence Price requested and determined whether Price anticipated calling any witnesses or using any documents to support his claims. Docs. 28; 30. Furthermore, the Court has provided the parties with the jury instructions and the verdict form.

Now Price moves to continue the trial to conduct legal research and investigate facts to support his claims. Doc. 31. The case is already set for trial on April 19, 2023. Doc. 28. The parties anticipate that the trial will be complete within one day, and that minimal witnesses and evidence will be offered. *Id.* The Court informed Price at the March 29, 2023 hearing what would be required at the upcoming trial and assisted Price

with compiling his anticipated evidence. *Id.* Therefore, the case is not so complex or difficult that a continuance to conduct further investigation or legal research is necessary. Furthermore, this case has been pending for almost two years and Price has had ample time to prepare his case. Accordingly, Price's motion to continue (Doc. 31) is **DENIED**.

Additionally, Price requests that the Court appoint counsel to assist him with the upcoming trial. Doc. 32. The Court previously denied Price's request for counsel. Doc. 13. The Court explained that "[n]o right to counsel exists in civil rights actions." *Id.* at 1 (citing *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1985)). Because Price has set forth the essential factual allegations underlying his claims, and the applicable legal doctrines are readily apparent, counsel is not necessary. Accordingly, Price's motion to appoint counsel (Doc. 32) is **DENIED**.

SO ORDERED, this 7th day of April, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT