

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

DARRION WILLIAMS,

Plaintiff,

V.

Warden JOSEPH POLITE, *et al.*,

Defendants.

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 : **Case No. 5:22-cv-376-TES-CHW**
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 : **Proceedings Under 42 U.S.C. § 1983**
 : **Before the U.S. Magistrate Judge**

ORDER

Pro se Plaintiff Darrion Williams again seeks the appointment of counsel to represent him concerning this case filed under 42 U.S.C. § 1982. (Doc. 54). The Court has denied a previous request. (Doc. 38, 40). However, Plaintiff renews his request for court-appointed counsel now that a least one claim has survived summary judgment and a pre-trial conference has been scheduled. *See* (Docs. 48, 51, 52). As previously explained to Plaintiff, no right to counsel exists in a civil case. *Wahl v McIver*, 773 F.2d 1169, 1174 (11th Cir. 1986). Rather, the appointment of counsel is a privilege justified only by exceptional circumstances. *Id.* In deciding whether legal counsel should be appointed, the Court considers, among other factors, the merits of Plaintiff's claims and the complexity of the issues presented. *Holt v. Ford*, 862 F.2d 850, 853 (11th Cir. 1989).

In accordance with *Holt*, and upon a renewed review of the record in this case, the Court notes that Plaintiff set forth the essential factual allegations underlying his claims, his claims present no novel or complex issues, and the applicable legal doctrines are readily apparent. Moreover, Plaintiff has, as a self-represented litigant, survived summary judgment as to one claim and has shown that he is capable of presenting the essential merits of his case in court. Simply because this case may proceed to trial, in and of itself, does not constitute an exceptional

circumstance to warrant appointed counsel. As such, Plaintiff's motion for appointment of counsel (Doc. 54) is **DENIED**.

SO ORDERED, this 26th day of August, 2024.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge