

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

SHEM O. MORGAN,

Plaintiff,

v.

TIMOTHY WARD, *et al.*,

Defendants.

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CASE NO.: 7:21-CV-33 (LAG) (ALS)

ORDER

Before the Court is *pro se* Plaintiff Shem O. Morgan's Motion to Appoint Counsel (Doc. 125), dated January 31, 2025¹ and Defendants' Response (Doc. 126), filed February 20, 2025. On December 5, 2024, the Court held a status conference, at which the Court granted Plaintiff leave to file a Motion to Appoint Counsel by January 31, 2025.

Although "[a] civil plaintiff has no constitutional right to counsel," the district court "may request an attorney to represent any person unable to afford counsel." *Vickers v. Georgia*, 567 F. App'x 744, 749 (11th Cir. 2014); 28 U.S.C. § 1915(e)(1). "The district court has broad discretion in making this decision, and should appoint counsel only in exceptional circumstances." *Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir. 1999) (citations omitted). "The key is whether the *pro se* litigant needs help in presenting the essential merits of his or her position to the court." *Delgiudice v. Primus*, 679 F. App'x 944, 946 (11th Cir. 2017) (per curiam), *cert. denied*, 583 U.S. 840 (2017). The complexity of presenting this case to a jury against sixteen defendants constitutes exceptional circumstances justifying appointment of counsel for trial only.

¹ Plaintiff is aware that the prison mailbox rule means he will not be penalized for any delays on the part of the prison mail system. *Garvey v. Vaughn*, 993 F.2d 776, 783 (11th Cir. 1993) (observing that under the "mailbox rule" a court will generally deem a prisoner document filed on the date the plaintiff delivers it to prison officials for mailing).

Accordingly, Plaintiff's Motion to Appoint Counsel (Doc. 125) is **GRANTED**. The Court **HEREBY DIRECTS** the Magistrate Judge to appoint counsel for Plaintiff.

SO ORDERED, this 6th day of August, 2025.

/s/ Leslie A. Gardner

LESLIE A. GARDNER, CHIEF JUDGE
UNITED STATES DISTRICT COURT