

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

JASON LYNCH
#202401692

PLAINTIFF

V.

Case No. 4:24-CV-00740-LPR-BBM

DOES, Sheriff; Mail Room Clerk;
Front Desk Clerk; Head Nurse; Pill
Nurse 1, Melody; PM Pill Nurse, Heather;
White County Jail Admin, *et al.*

DEFENDANTS

ORDER

Pending before the Court is Plaintiff Jason Lynch's ("Lynch") "Response to Notice/order Document # 29." (Doc. 41). Because of the many embedded requests for relief, it was docketed as a "Motion to Clarify, for Copies, and to Appoint Counsel."

Lynch asks many questions throughout the Motion. For example: "How does a single claim correctly join the Defendants?"; "What are the rules for more than one plaintiffs [sic]?" *Id.* at 3. The Court cannot provide Plaintiff legal advice. However, the Court notes that Plaintiff has already been granted leave to proceed *in forma pauperis* ("IFP"). No additional documentation regarding Plaintiff's right to proceed IFP is needed at this time.¹

Plaintiff may request copies of the Court's Local Rules, as well as the Federal Rules of Civil Procedure, from his unit law library and may consult those Rules for guidance. Plaintiff may also review the Court's Initial Order for Pro Se Prisoners (Doc. 4), Order denying Motion for Subpoena (Doc. 23), and Screening Order (Doc. 29) for additional

¹ If Lynch is released from custody during the course of litigation, he will be required to submit a new IFP motion that reflects his free-world finances.

instruction. Lynch will be provided a copy of his Amicus Brief (Doc. 7), as requested. (Doc. 41 at 2).

As for Lynch's request for appointed counsel, the Motion is premature. A civil litigant does not have a constitutional or statutory right to appointed counsel in a civil action, but the Court may appoint counsel at its discretion if the plaintiff has stated a non-frivolous claim and "the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." 28 U.S.C. § 1915(e)(1). *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018); (quoting *Johnson v. Williams*, 788 F.2d 1319, 1322 (8th Cir. 1986)). In making this determination, the Court must weigh and consider the following factors: (1) the factual and legal complexity of the case; (2) the plaintiff's ability to investigate the facts; (3) the existence of conflicting testimony; and (4) the plaintiff's ability to present his claims. *Id.*; *Phillips v. Jasper County Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

Because Lynch has not yet filed an amended complaint, the Court cannot determine if Lynch has stated any non-frivolous claims. But the allegations the Court was able to discern in Lynch's previous pleadings do not appear to be legally or factually complex. (See Doc. 29 at 2–8). Accordingly, Lynch's embedded Motion for counsel is denied without prejudice.

IT IS THEREFORE ORDERED THAT:

1. Lynch's Motion (Doc. 41) is GRANTED, in part.
2. Lynch's Motion to Clarify is DENIED to the extent it seeks legal advice from the Court.

3. Lynch's Motion for Copies is GRANTED. The Clerk's office is directed to send Plaintiff a copy of his "Amicus Brief" (Doc. 7).

4. Lynch's Motion to Appoint Counsel is DENIED without prejudice.

SO ORDERED this 2nd day of December, 2024.


UNITED STATES MAGISTRATE JUDGE