

CASE NAME : LYNCH V Does

CASE NUMBER: 4:24-CV00740-LPR-BBM

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

"MOTION FOR APPOINTMENT
OF COUNSEL"

FEB 10 2025

By: TAMMY H. DOWNS, CLERK
DEP CLERK

I Jason Matthew Lynch, "Pro se; respectfully pray and ask this Great Court to read my compelling and supporting reason in consideration of appointing counsel to this civil case.

First off under 28 U.S.C § 1915(e)(1) - I know I have no right to Demand Counsel, like a criminal defendant can or does. Even being indigent there is no constitutional right to counsel. The Court may, however, under 28 U.S.C § 1915(e)(1), request an attorney to any person unable to afford counsel.

- a. On 9-30-24 Docket #22 IFP Motion was Granted also please note my 1st payment should be on the way as I signed the BP-199 for this already. Therefor I have demonstrated (by the Granting of IFP) I am not able to afford counsel on my own

b. "In deciding whether to appoint Counsel, . . . a district court should determine whether the indigent's position seems likely to be of substance." *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997) (quoting *Hodge v. Police Officers*, 802 F.2d 58, 61-62 (2d Cir. 1986)). In order to make such determination, the Court must decide whether, "from the face of the pleadings," *Stewart v. McMickens*, 677 F. Supp. 226, 228 (S.D.N.Y. 1988) the claims asserted by plaintiff "may have merit" or the plaintiff "appears to have some chance of success." *Baskerville v. Goord*, 2001 U.S. Dist LEXIS 6286, No. 97 Civ. 6413 (BSJ) (KNE), 2007 WL 527479, at *1 (S.D.N.Y. May 16, 2007) see also *Hodge*, 802 F.2d at 60-61. While the Court should not appoint counsel "indiscriminately just because an indigent litigant makes such a request, it is not necessary for the plaintiff to demonstrate that her claims will survive a motion to dismiss or a motion for summary judgment; Rather the Court should only find that the claims satisfy a "threshold showing merit . . . See *Cooper v. A. Sargenti Co., Inc.* 877 F.2d 170 (2d Cir. 1989) [†] *Hendricks* 114 F.3d at 393-94.

In my complaint, Third amended complaint as amplified by my subsequent brief to the

court. I allege under 28 § 42 U.S.C. 1981, 1983 & 1985 a "class of one" Complaint, repeated denial of clearly established and protected Rights like Opening legal mail without myself present, denial of Free Exercise of Religion by not allowing ~~Priest~~ to visit me or having a Catholic Bible. Denial of Medical care by not letting me see a Dr for over 60 days knowing I'm chronic care. Not following 2 Different Dr orders and Conspiring to harm and retaliate. and host more, with video and written Evidence. Any normal person should be able to see merit; in fact an alarming amount of merit... Regardless of whether these allegations, as pleaded, (I will rewrite/replead if the courts deem that I need to) would survive a motion to dismiss, they at least appear to have some chance of success. Thus a Court should find that the claims satisfy a "threshold showing of merit" *Hendricks*, 114 F.3d at 393-94.

Where a plaintiff satisfies the threshold requirement of demonstrating that his/my position is likely to be of substance, the court should then consider (1) the plaintiff's ability to investigate the crucial facts; (2) whether

conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder. (3) the plaintiff's ability to investigate the crucial facts then present the case; (4) the complexity of case and of legal issues (5) any special reason in the case why appointment of counsel would be more likely to lead to a true and just determination. See Hodge, 802 F.2d at 61-62. See also Hendricks, 114 F.3d at 394-95 (citing Hodge). The Court should also consider whether the plaintiff has attempted to obtain a lawyer, ~~and as to which~~

Here, in FAC, TAC, and others I have clearly demonstrated considerable difficulty in developing my complaint and in understanding what is required and how to present it correctly. I'm trying but I fear I trying to hard and I scared I'm going to error in pre-trial proceedings and that it can be use to hurt me. (1) I'm a prisoner and have no way investigate any facts let alone anything major. (2) Some of my claims are overwhelming to/on the defendants, they will bring forth

torts claims, state law claims, and more likely
 criminal charges as well, for this alone
 its likely defendants will do everything
 they can stop this case, cause all the
 undue hardships they can at cross-examination
 or all the can to set a fact finder off on/in
 the wrong direction. (3) I'm a federal prisoner
 in a out of state prison, I have no special
 or advanced legal know now; Thus I have
 very little or maybe even zero ability to
 present the case (4) Complexity of this
 case is so overwhelming to me my 171
 page TAC is so overwhelming I praying
 daily that court even considers it and
 not just dismiss it due to the overwhelming
 complexity! I have over 100 different claims
 that all closely related and the conspiring
 to harm and deprive by its self is super
 complex, add in everything else and it
 again is super overwhelming (5) The fact
 I name the legal county and WCOE, they
 will have very high caliber lawyers to
 take down this case, that's why I scared
 something as simple as my wording in
 Pretrial will harm me. Edwards entire
 future is on the line, they will do
 all they can to stop this.

I clearly have very little hope of
of a just outcome without help.

I have contacted: Hubert and Christian
Alexander of Jacksonville, Willard Proctor Jr.
of Little Rock, Luke Bowen of Bidd Bowen
in Little Rock, Michael Kyzer of Jonesboro
John Westly Hall of CR, A&M Law school,
Columbia Law school, MIT Law school, LR ACLU
D.C. ACLU, and others. I am trying some
of the higher listed above have given me
as much free help as they can. However
a few have concern about losing their
favor or clout with white county if they
pick this up on their own, but they
have hinted if they were appointed they
would have to help the best they could
and people in white county could not
ask for favor or hold it against them.

Based on the Courts review of submissions
to date and limited interaction by writings
I'm praying the agree with me in assuming
that I will not be able at best doubtful
I will be able to cross-examine witnesses
or even participate meaningfully in
the discovery process without assistance

Further, it should be clear that the legal issues are unduly complex, and I will have trouble understanding and arguing those correctly. Adding in the complex Content of Evidence involved in this case will consist largely of omissions and denials of witnesses and defendants, written responses and electronically stored information, video, and body cam video. Its so much and so complex one may even need appointment of Expert witness later on, something could and would need a Law person to help with.

I'm also hoping this case will be the framework for the people I had to drop cause I am "pro se" right now. How ever please note my family and friends have found 47 other people men & women who have been greatly harmed (some worse than me) by Edwards and WDC. With this in mind after the outcome I feel it likely Rule 23. Class Action will be ripe for action, having Counsel now will greatly help the cause and the court at that time.

Some other simple, but clear and essential reason to Appoint Counsel are:

- a. Limited Resources - with out an attorney I stand no hope of wining any negotiation or just out come when facing of with someone ~~bo~~ who has been in law for 20 plus years, its also likely white county will have a team of highly experienced attorneys who also have a team backing them up in research of or finding errors in my pleadings.
- b. Complexity of this case: Civil cases against governmental entitles often are exposed in the view of the public making everything even more complex. Requiring specialized knowledge that I do not have
- c. Potential for Significant Consequences: the outcome of this case will have serious implications for my rights and defendents like Edwards, The fact I'm already asking this court to sepearte claims as needed for torts, state law, crim and class action in future - Thus making legal representation so crucial.

- d. Understanding legal Procedures: An Attorney can help navigate procedural requirements, ensuring that I meet all deadlines and follow proper protocols.
- e. Evidence Presentation: An attorney will be better equipped to gather and present evidence effectively than I can represent myself, especially against governmental entity.
- f. Negotiation skills: An attorney's experience in negotiation can lead to more favorable outcome in any potential settlements
- g. Advocacy for Rights: Legal counsel can advocate for my rights more effectively than I can represent myself, especially against a governmental entity.
- h. Equal Access to Justice: Appointing counsel ensures I have equal access to legal representation, which is vital for a fair trial, especially against a well-resourced defendant like County Com, and county Jail.
- I. Whether the case has any meritorious claims (see Coston, 556 F2d at 1309-10,

"no one factor is conclusive"

j. The type and complexity of the case.
(see Branch V. Cole 606 F.2d (5th Cir))

k. whether the indigent is in a position to investigate adequately the case
(see Marlin V. Freahe, 650 F.2d 888).

L. Evidence will consist of large conflicting testimony as to and so much to require skill & knowledge (see Marlin V. Freahe 650 F.2d 888)

m. It is one thing to read case law till you find ~~an~~ like case and cite it, totally different to understand it and apply it. appointment of Counsel would not only be a service to me, but perhaps to the Court by sharpening the context of the issues of the case & shortening the process in a just outcome (see Knighton V. Watkins, 616 F.2d 795 (5th Cir 1980))

I respectfully pray the court sides with me on my reasons supporting the motion to appoint counsel, thus allowing an evidentiary Hearing to see how much Evidence still is available or how much Spoliation has willfully happened or where we stand after a hearing

I pray in the ^{Light} of all the forgoing I have shown good cause, and the court Grant this motion for Appointment of counsel.

Respectfully

Jason M. Lyer