

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID RAHN : CIVIL ACTION  
 :  
 v. :  
 :  
 RONALD NARDOLILLO, et al. : NO. 07-3538

MEMORANDUM

Bartle, C.J.

May 12, 2009

David Rahn has filed this action under 42 U.S.C. § 1983 ("§ 1983") in which he alleges certain unconstitutional conditions with respect to his cell and his food when he was incarcerated in the Delaware County Prison. Before the court is his motion for appointment of counsel.

In Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993), cert. denied, 114 S. Ct. 1306 (1994), the Court of Appeals for the Third Circuit announced the factors which a district court should consider in deciding whether to appoint counsel under 28 U.S.C. § 1915(d). The considerations by the Court of Appeals include: (1) the merits of the plaintiff's claim in fact and in law; (2) the plaintiff's ability to present his or her case; (3) the difficulty of the particular legal issues; (4) the degree to which factual investigation will be required and the ability of the indigent plaintiff to pursue such an investigation; (5) whether the case is likely to turn on credibility determinations; and (6) whether the case will require the testimony of an expert witness. Id. at 155-56.

Even assuming that the plaintiff's claims have merit, we believe he has the ability to present his own case. The apparent legal issues are not complex and any factual investigation needed is minimal. While credibility determinations will have to be made, we do not think he will need counsel for the truth to be made known. Finally, the case does not appear to require an expert witness.

Accordingly, the request of plaintiff for the appointment of counsel will be denied.

