

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

GREGORY HOLLOMAN : CIVIL ACTION  
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 v. :  
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 CORRECTIONS OFFICER M. NEILY, :  
 CORRECTIONS OFFICER ROSS, :  
 CORRECTIONS OFFICER PREZLY, :  
 CORRECTIONS OFFICER JOHN DOE, :  
 LT. CORRECTIONS OFFICER JOHN DOE: NO. 97-8067

MEMORANDUM ORDER

Presently before the court is plaintiff's Motion for Appointment of Counsel. Plaintiff alleges that defendants violated his civil rights by removing him from protected custody status in the Curran Fromhold Correctional Facility, failing to come to his aid when plaintiff was assaulted by a fellow inmate and delaying medical treatment for plaintiff after the assault.

The appointment of counsel for indigent civil litigants is a matter of discretion. Tabron v. Grace, 6 F.3d 147, 153 (3d Cir. 1993). In evaluating a request for appointment of counsel, the courts consider the merits of the plaintiff's claim, plaintiff's ability to present his case, the complexity of the issues, the extent of any necessary factual investigation and discovery, and plaintiff's ability to conduct such. Id. at 156. Because there are "significant practical restraints on the district courts' ability to appoint counsel," attempts to secure

appointed counsel should be limited to cases where it is truly necessary. Id. at 157; Hill v. Davidson, 844 F. Supp. 237, 238 (E.D. Pa. 1994).

Plaintiff's case does not raise complex factual or legal issues. The pleadings of record served by plaintiff on defendants show that he has the ability adequately to present his case. See Auchinleck v. Frank, 1991 WL 108807, at \*2 (E.D. Pa. June 12, 1991). With the cooperation of defense counsel, plaintiff should be able without difficulty to obtain copies of pertinent prison incident reports and medical records and to pose questions to pertinent prison officials and medical personnel.

**ACCORDINGLY**, this                    day of July, 1998, upon consideration of plaintiff's Motion for Appointment of Counsel (Doc. #13), **IT IS HEREBY ORDERED** that said Motion is **DENIED** upon condition that defense counsel conducts and facilitates discovery and other proceedings in a manner appropriate for such a pro se case.

**BY THE COURT:**

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**JAY C. WALDMAN, J.**