

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MICHAEL A. BARNARD,

Plaintiff,

v.

CASE NO. 11-3111-SAC

BOURBON COUNTY DISTRICT COURT, et al.,

Defendants.

O R D E R

Plaintiff, a prisoner confined in the Bourbon County Jail in Ft. Scott, Kansas, proceeds pro se and in forma pauperis on a complaint seeking relief under 42 U.S.C. § 1983. By an order dated July 20, 2011, the court directed plaintiff to show cause why the complaint should not be summarily dismissed as stating no claim for relief, and without prejudice to the extent plaintiff was attempting to seek relief sounding in habeas corpus.

Before the court is plaintiff's motion for appointment of counsel, in which plaintiff cites his lack of legal training and claims a constitutional right to adequate and proper counsel in any criminal or civil matter. Also before the court is plaintiff's correspondence to the court clerk in which plaintiff states he lacks the legal training and knowledge to file a proper response to the show cause order.

Plaintiff's motion for appointment of counsel is denied. Contrary to plaintiff's stated understanding of the law, he has no constitutional right to the assistance of counsel in this civil action. *Durre v. Dempsey*, 869 F.2d 543, 647 (10th Cir.1989).

Having reviewed plaintiff's claims, his ability to present said claims, and the complexity of the legal issues involved, the court finds the appointment of counsel in this matter is not warranted. *See Long v. Shillinger*, 927 F.2d 525, 526-27 (10th Cir.1991)(factors to be considered in deciding motion for appointment of counsel).

IT IS THEREFORE ORDERED that plaintiff's motion for appointment of counsel (Doc. 5) is denied.

IT IS FURTHER ORDERED that the deadline for plaintiff to show cause why the complaint should not be summarily dismissed for the reasons stated in the July 20, 2011, order is extended to August 17, 2011.

IT IS SO ORDERED.

DATED: This 2nd day of August 2011 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge