

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

WILLIAM R. COUCH,)	
Plaintiff)	Civil Action No.: 7:05cv00642
v.)	
)	
JOHN JABE, et al.,)	<u>ORDER</u>
Defendants)	By: PAMELA MEADE SARGENT
)	United States Magistrate Judge
)	

This matter is before the undersigned on plaintiff's Motion For Preliminary Injunction, (Docket Item No. 40), plaintiff's Motion To Appoint Counsel, (Docket Item No. 43), and plaintiff's Motion To Post Security For Preliminary Injunction, (Docket Item No. 44). It is **ORDERED** that the defendants shall respond to plaintiff's Motion for Preliminary Injunction, (Docket Item No. 40), and plaintiff's Motion To Post Security For Preliminary Injunction, (Docket Item No. 44), by no later than September 21, 2006. If the defendants do not respond or seek an extension of time to respond by this date, the court will assume that these motions are unopposed.

Regarding the plaintiff's Motion To Appoint Counsel, (Docket Item No. 43), it should be noted that prisoners have no statutory right to counsel in civil rights cases; in fact, there is a presumption against appointment of counsel in such cases except in exceptional circumstances. *See U.S. v. \$27,000.00*, 865 F. Supp 339, 340 (S.D.W.V. 1994). Nonetheless, because the plaintiff in this case is proceeding in forma pauperis, the court may, in its discretion, request that an attorney represent the plaintiff. *See 28 U.S.C.A. §1915(e)(1)* (West Supp. 2006). In deciding whether to request an attorney to represent a prisoner, the court should consider whether a pro se litigant has the

capacity to adequately present his claims. *See Gordon v. Leeke*, 574 F.2d 1147, 1153 (4th Cir. 1978). In this case, the plaintiff, through his voluminous filings with the court, has more than demonstrated his ability to adequately represent his interests in this case.

Therefore, it is **ORDERED** that plaintiff's Motion To Appoint Counsel, (Docket Item No. 43), is **DENIED**.

The clerk is directed to send a certified copy of this Order to all counsel of record and unrepresented parties.

ENTER: September 8, 2006.

/s/ Pamela Meade Sargent
UNITED STATES MAGISTRATE JUDGE