

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**WILLIAM MAVERICK WINSLOW,**

**Plaintiff,**

**v.**

**KEN PAXTON, *et al.*,**

**Defendants.**

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**Civil No. 4:17-CV-082-O**

**ORDER**

Before the Court is Plaintiff's motion for appointment of counsel (ECF No. 3) and, upon review of the motion and of the record in this case, the Court finds and orders as follows:

There is no automatic right to the appointment of counsel in a civil rights action filed by a litigant proceeding *pro se*. *E.g., Hulsey v. State of Tex.*, 929 F.2d 168, 172 (5th Cir. 1991); *Freeze v. Griffith*, 849 F.2d 172, 175 (5th Cir. 1988); *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir.1982). However, where a case presents exceptional circumstances, counsel may be appointed. *Id.* In determining whether exceptional circumstances exist and whether the court in its discretion should appoint counsel in such a case, the following factors are relevant:

- (1) the type and complexity of the case,
- (2) whether the plaintiff is capable of adequately representing himself;
- (3) the plaintiff's ability to adequately investigate and present his case;
- (4) the presence of evidence which consists largely of conflicting testimony so as to require skill in the presentation of evidence and in cross-examination; and,
- (5) the likelihood that appointment will benefit the plaintiff, the court, and the defendants by shortening the trial and assisting in a just determination.

*Cooper v. Sheriff, Lubbock County, Tex.*, 929 F.2d 1078, 1084 (5th Cir. 1991); *Ulmer v. Chancellor*, 691 F.2d at 213.

Review of Plaintiff's amended complaint reveals that appointment of counsel will not likely benefit the Plaintiff, the Court, or the Defendants. Nor does it appear likely that appointment of counsel will shorten the litigation process or assist in a just resolution of this case.

Although Plaintiff has a difficult burden to meet, all *pro se* litigants who bring civil rights actions face a similar challenge. Plaintiff has failed to establish exceptional circumstances which would warrant appointment of counsel.

For the foregoing reasons, Plaintiff's motion for appointment of counsel (ECF No. 3) is **DENIED**.

**SO ORDERED** this 18th day of September, 2017.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE