

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

WILLIAM MAVERICK WINSLOW,
Tarrant County Jail No. 0749982,

Plaintiff,

v.

KEN PAXTON, *et al.*,

Defendants.

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

FILING FEE ORDER

The Court, having considered the papers and pleadings filed in this action in light of the Prison Litigation Reform Act of 1995, hereby **ORDERS** as follows:

1. Plaintiff is **GRANTED** leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.
2. The agency having custody of plaintiff shall, when funds exist in plaintiff's inmate trust account or institutional equivalent, forward to the Court an initial partial filing fee of **\$0.00**.
3. Plaintiff shall pay **\$350.00**, the balance of the filing fee, in monthly installments as provided in 28 U.S.C. § 1915(b)(2). After payment of the initial partial filing fee, if any, the agency having custody of plaintiff shall deduct 20% of each deposit made to plaintiff's inmate trust account or institutional equivalent and forward payments to the Court on a regular basis until the entire filing fee is paid, provided the account exceeds \$10.00
4. Service of process shall be withheld pending judicial screening pursuant to 28 U.S.C. § 1915(e)(2).
5. No amendments or supplements to the complaint shall be filed without prior Court approval or order. A complete amended complaint shall be attached to any motion to amend.
6. All discovery in this case is stayed until defendants are ordered to answer by the Court.
7. No motions for appointment of counsel shall be filed until the Court has completed its screening pursuant to 28 U.S.C. § 1915(e)(2), which may include a hearing pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), the issuance of a questionnaire pursuant to *Watson v. Ault*, 525 F.2d 886 (5th Cir. 1976), or such other proceedings as deemed appropriate by the Court.
8. Plaintiff shall notify the Court of any change of address by filing a written Notice of Change of Address with the Clerk. Failure to file such notice may result in this case being dismissed for want of prosecution.
9. The Clerk shall transmit a copy of this Order to the inmate accounting office or other person(s) or entity with responsibility for assessing, collecting and remitting to the Court the filing fee payments on behalf of inmates, as designated by the facility in which plaintiff is confined.

SO ORDERED this 18th day of September, 2017.


 Reed O'Connor
 UNITED STATES DISTRICT JUDGE

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U.S. District Court
Northern District of Texas

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Case Name: Winslow v. Paxton et al

Case Number: 4:17-cv-00082-0

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Docket Text:

FILING FEE ORDER: Plaintiff is GRANTED

leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. The agency having custody of plaintiff shall, when funds exist in plaintiff's inmate trust account or institutional equivalent, forward to the Court an initial partial filing fee of \$0.00. Plaintiff shall pay \$350.00, the balance of the filing fee, in monthly installments as provided in 28 U.S.C. § 1915(b)(2). (Ordered by Judge Reed C. O'Connor on 9/18/2017) (skg)

4:17-cv-00082-0 Notice has been electronically mailed to:

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William Maverick Winslow
0749982
Tarrant County Jail
100 North Lamar Street
Fort Worth, TX 76196

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WILLIAM MAVERICK WINSLOW,

Plaintiff,

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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

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Docket Text:

ORDER: Plaintiff's motion for appointment of counsel (ECF No. [3]) is DENIED. (Ordered by Judge Reed C. O'Connor on 9/18/2017) (skg)

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