

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Chad Lee Monson v. Renville County Jail and Ned Wohlman, in his individual and official capacity

Monson · No. 25-cv-1665 (KMM/DJF) · Decided November 24, 2025

SUMMARY

The United States District Court for the District of Minnesota denies Chad Lee Monson’s motion for appointment of counsel in his civil action against Renville County Jail and Ned Wohlman. The court grants his motion for an extension of time to respond to the defendants’ motion to dismiss and sets December 15, 2025, as the response deadline, with any reply due January 5, 2026.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Dulce J. Foster
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	November 24, 2025
DOCKET	25-cv-1665 (KMM/DJF)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for appointment of counsel and for an extension of time to respond to Defendants' motion to dismiss.
STANDARD OF REVIEW	Discretionary review of a motion for appointment of counsel; good-cause determination for an extension of time.
PRECEDENTIAL VALUE	unpublished
PARTIES	Chad Lee Monson v. Renville County Jail, Ned Wohlman, in his individual and official capacity

TOPICS

- civil rights
- section 1983
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil rights
- civil procedure
- appointment of counsel
- section 1983 litigation

QUESTIONS PRESENTED

1. Whether the court should appoint counsel for an indigent civil litigant under 28 U.S.C. § 1915(e)(1).
2. Whether good cause supported extending Plaintiff's deadline to respond to Defendants' motion to dismiss.

HOLDINGS

1. Appointment of counsel is discretionary in a civil case, and Plaintiff's circumstances did not warrant appointment because the case was not factually or legally complex, he could investigate and present his claims, and his lack of legal training or assistance was insufficient by itself.
2. The court granted Plaintiff an extension because he had been awaiting the court's decision on his motion for appointment of counsel.

KEY QUOTATIONS

“In civil cases, there is no constitutional or statutory right to appointed counsel.”

“The Court finds that his lack of access to assistance is not sufficient to warrant the appointment of counsel, as his situation does not distinguish his case from the countless other claims brought by pro se litigants.”

FACTUAL BACKGROUND

Chad Lee Monson, proceeding without counsel, requested appointment of counsel based on the acceptance of his in forma pauperis status and the statutory authority to appoint counsel. He also requested additional time to respond to Defendants' motion to dismiss because his request for appointed counsel was pending. The court found that the factual and legal issues were not particularly complex and that Monson had demonstrated an ability to investigate the facts, present arguments, and conduct legal research.

PROCEDURAL HISTORY

In this pending civil-rights action, Plaintiff sought appointment of counsel under 28 U.S.C. § 1915(e)(1) and an extension of time to respond to Defendants' motion to dismiss. The court denied appointment of counsel but granted the extension because Plaintiff was awaiting resolution of his counsel motion.

DISPOSITION

other

CASES CITED

- Ward v. Smith, 721 F.3d 940, 942 (8th Cir. 2013)
- McCall v. Benson, 114 F.3d 754, 756 (8th Cir. 1997)
- Mosby v. Mabry, 697 F.2d 213, 214 (8th Cir. 1982)
- Crozier v. Westside Community School District, 973 F.3d 882, 889 (8th Cir. 2020)
- Mosby v. Swanson, No. 12-cv-320 (KMM/DTS), 2023 WL 1785605, at *1 (D. Minn. Feb. 6, 2023)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Chad Lee Monson, Case No. 25-cv-1665 (KMM/DJF) Plaintiff, v. ORDER Renville County Jail and Ned Wohlman, in his individual and official capacity, Defendants. This matter is before the Court on Plaintiff Chad Lee Monson's Motion for Appointment of Counsel (ECF No. 17) and motion for an extension of time to file a response to Defendant Renville County's Motion to Dismiss ("Motion for Extension") (ECF No. 19).

Mr. Monson's Motion for Appointment of Counsel argues appointment would be appropriate because: (1.) "IFP has already been accepted and granted"; and (2.) the Court has authority to appoint counsel under 28 U.S.C. § 1915(e)(1). (See ECF No. 17 at 2; ECF No. 18 at 1-2.) Mr. Monson is correct that Section 1915(e)(1) authorizes the court to "request an attorney to represent any person unable to afford counsel." But as Mr. Monson's own exhibit states, this "provision does not guarantee that an indigent person will receive a court-appointed attorney for a civil case." (ECF No. 18 at 2); see also *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir.

2013) ("In civil cases, there is no constitutional or statutory right to appointed counsel."). Rather, the appointment of counsel is a matter of the Court's discretion. *McCall v. Benson*, 114 F.3d 754, 756 (8th Cir. 1997); *Mosby v. Mabry*, 697 F.2d 213, 214 (8th Cir. 1982). Factors to consider in deciding whether to appoint counsel include: "(1) the factual complexity of the issues; (2) the ability of the indigent person to investigate the facts; (3) the existence of conflicting testimony; (4) the ability [of the] indigent person to present the claims; and (5) the complexity of the legal arguments." *Crozier v. Westside Cmty.*

Sch. Dist., 973 F.3d 882, 889 (8th Cir. 2020) (citing cases). Mr. Monson's reason for requesting counsel is not articulated. But insofar as his request is premised on his lack of legal training, this alone "is not enough to establish that counsel should be appointed for him." *Mosby v. Swanson*, No. 12-cv-320 (KMM/DTS), 2023 WL 1785605, at *1 (D. Minn. Feb. 6, 2023).

As to the other factors the Court considers, neither the factual nor legal issues are particularly complex. Nor does Mr. Monson lack the ability to investigate the facts or present his arguments to the Court. Indeed, Mr. Monson has demonstrated some ability to conduct legal research.

The Court finds that his lack of access to assistance is not sufficient to warrant the appointment of counsel, as his situation does not distinguish his case from the countless other claims brought by pro se litigants.

The Court therefore DENIES Mr. Monson's Motion for Appointment of Counsel (ECF No. 17). Mr. Monson's Motion for Extension is premised on his pending request for appointed counsel. (ECF No. 19 at 1.) The Court has now resolved Mr. Monson's Motion for Appointment of Counsel. Given that Mr. Monson was awaiting the Court's decision on the Motion for Appointment

of Counsel, however, there is good cause to extend the deadline for his response to Defendants Renville County and Ned Wohlman's Motion to Dismiss (ECF No. 10).

The Court therefore GRANTS the Motion for Extension (ECF No. 19). Mr. Monson's response is due by December 15, 2025. Defendants may file a reply on or before January 5, 2026. IT IS SO ORDERED. Dated: November 24, 2025 s/ Dulce J. Foster DULCE J. FOSTER United States Magistrate Judge