

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Mark Wade Bredow v. Trinh Le

Bredow · No. 24-cv-10979 · Decided December 10, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan denies without prejudice Mark Wade Bredow’s request for appointment of counsel under 28 U.S.C. § 1915(e)(1). The court finds that Bredow did not demonstrate the exceptional circumstances required for appointment of counsel in a civil case.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Elizabeth A. Stafford
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	December 10, 2025
DOCKET	24-cv-10979
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff requested appointment of counsel under 28 U.S.C. § 1915(e)(1) in a civil action. A magistrate judge denied the request without prejudice and advised the parties of their right to object under Federal Rule of Civil Procedure 72(a).
STANDARD OF REVIEW	A district court has broad discretion in determining whether to appoint counsel for an indigent civil litigant. Objections to the magistrate judge's ruling on this nondispositive motion may be sustained only if the ruling is clearly erroneous or contrary to law.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Mark Wade Bredow v. Trinh Le

TOPICS

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated exceptional circumstances warranting appointment of counsel under 28 U.S.C. § 1915(e)(1).

HOLDINGS

1. Appointment of counsel for an indigent civil litigant is discretionary and generally requires a showing of exceptional circumstances; Bredow failed to make that showing, so his request for appointed counsel was denied without prejudice.

KEY QUOTATIONS

“Although a district court is vested with broad discretion in determining whether to appoint counsel for an indigent civil litigant, appointment of such counsel is not a constitutional right.”

“To determine whether “exceptional circumstances” exist, the Court considers the nature of the case, the party’s ability to represent himself, the complexity of the case, and whether the claims being presented are frivolous or have a small likelihood of success.”

“For these reasons, Bredow’s request to appoint counsel is DENIED WITHOUT PREJUDICE.”

FACTUAL BACKGROUND

Bredow sought appointment of counsel, stating that attorneys for Defendant Trinh Le had sent him a letter but had not attempted to contact him for a meeting. He did not explain the letter’s contents, why he wanted to meet opposing counsel, or why he needed his own attorney. The court found that these circumstances did not demonstrate exceptional circumstances warranting appointed counsel.

PROCEDURAL HISTORY

While the civil action was pending, Plaintiff Mark Wade Bredow moved for appointment of counsel. The magistrate judge concluded that Plaintiff had not demonstrated exceptional circumstances and denied the request without prejudice.

DISPOSITION

other

CASES CITED

- Lavado v. Keohane, 992 F.2d 601, 605-06 (6th Cir. 1993)
- Clarke v. Blais, 473 F. Supp. 2d 124, 125 (D. Me. 2007)
- Dixon v. Kraft, No. CV 16-14439, 2017 WL 11490775, at *1 (E.D. Mich. Mar. 14, 2017)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION MARK WADE BREDOW, Case No. 24-cv-10979 Plaintiff, Honorable Shalina D. Kumar Magistrate Judge Elizabeth A. Stafford v. TRINH LE, Defendant. ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S REQUEST TO APPOINT COUNSEL (ECF NO. 39) Plaintiff Mark Wade Bredow requests appointment of counsel.

ECF No. 39. Under 28 U.S.C. § 1915, “[t]he court may request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1) (emphasis added). Although a district court is vested with broad discretion in determining whether to appoint counsel for an indigent civil litigant, appointment of such counsel is not a constitutional right. *Lavado v. Keohane*, 992 F.2d 601, 605 (6th Cir.

1993). Courts seldom appoint counsel in a civil case absent a showing of “exceptional circumstances.” *Id.* at 606. Appointment of counsel under § 1915(e)(1) is rare because “there are no funds appropriated to pay a lawyer or to even reimburse a lawyer’s expense.” *Clarke v. Blais*, 473 F. Supp. 2d 124, 125 (D. Me. 2007).

Thus, there must be a showing of “exceptional circumstances.” *Lavado*, 992 F.2d at 606. To determine whether “exceptional circumstances” exist, the Court considers the nature of the case, the party’s ability to represent himself, the complexity of the case, and whether the claims being presented are frivolous or have a small likelihood of success. *Id.* Because courts consider the party’s likelihood of success, “[a]ppointment of counsel is almost always denied prior to the exhaustion of dispositive motions.” *Dixon v. Kraft*, No. CV 16-14439, 2017 WL 11490775, at *1 (E.D.

Mich. Mar. 14, 2017), objections overruled, No. 16-14439, 2017 WL 11490776 (E.D. Mich. May 5, 2017). Bredow states that Defendant Trinh Le’s attorneys sent him a letter but that the attorneys have not tried to contact him for a meeting. ECF No. 39. Bredow does not explain the contents of the letter, why he wishes to meet with opposing counsel, or why he requires his own attorney.

He has not shown exceptional circumstances justifying appointment of counsel. For these reasons, Bredow’s request to appoint counsel is DENIED WITHOUT PREJUDICE. s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD United States Magistrate Judge Dated: December 10, 2025 NOTICE TO PARTIES ABOUT OBJECTIONS Within 14 days of being served with this order, any party may file objections with the assigned district judge.

Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. “When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.” E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System to their email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 10, 2025. s/Davon Allen DAVON ALLEN Case Manager

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