

**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

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