

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Jermaine A. Keys v. Food Service Manager Marie Martins, et al.

Keys v. Martins · No. No. 4:26-CV-00718 HEA · Decided May 12, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri directs prisoner-plaintiff Jermaine A. Keys to submit a certified six-month prison account statement to support his application to proceed in forma pauperis. The court denies his motion for appointment of counsel without prejudice and warns that failure to submit the account statement within 21 days will result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	May 12, 2026
DOCKET	No. 4:26-CV-00718 HEA
DISPOSITION	other
PROCEDURAL POSTURE	At the commencement of a pro se prisoner civil-rights action, the plaintiff sought leave to proceed in forma pauperis and appointment of counsel.
PRECEDENTIAL VALUE	Unpublished district court opinion; nonprecedential

TOPICS

- prisoners rights
- civil rights
- civil procedure
- section 1983

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights
- In forma pauperis proceedings
- Appointment of counsel

QUESTIONS PRESENTED

1. Whether a prisoner seeking to proceed in forma pauperis must submit a certified copy of the inmate account statement for the six-month period preceding the filing of the complaint.

2. Whether appointment of counsel was warranted for the pro se prisoner at that stage of the civil action.

HOLDINGS

1. A prisoner seeking to proceed in forma pauperis must provide a certified copy of the inmate account statement for the six-month period immediately preceding the filing of the complaint. Because Plaintiff had not provided the statement, the court ordered him to submit it within 21 days and warned that failure to comply would result in dismissal without prejudice.
2. Appointment of counsel was not warranted at that time and was denied without prejudice.

KEY QUOTATIONS

“A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case”

FACTUAL BACKGROUND

Jermaine A. Keys, proceeding without counsel, filed a prisoner civil-rights action in the Eastern District of Missouri. He submitted an application to proceed in forma pauperis but did not provide the certified inmate account statement required for a prisoner seeking that status. He also moved for appointment of counsel, but the court found that his financial status had not yet been assessed and that the factual and legal issues appeared sufficiently manageable for him to present his claims.

PROCEDURAL HISTORY

Plaintiff filed an application to proceed without prepaying fees and costs and a motion for appointment of counsel. The court ordered Plaintiff to submit a certified prison account statement covering the six months preceding the complaint and denied appointment of counsel without prejudice. The court warned that failure to submit the statement within 21 days would result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Ward v. Smith, 721 F.3d 940, 942 (8th Cir. 2013)
- Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998)
- Patterson v. Kelley, 902 F.3d 845, 850 (8th Cir. 2018)
- Phillips v. Jasper Cty. Jail, 437 F.3d 791, 794 (8th Cir. 2006)

OPINION

Jermaine A. Keys v. Food Service Manager Marie Martins, et al.

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

JERMAINE A. KEYS,)

) Plaintiff,)) v.) No. 4:26-CV-00718 HEA)

FOOD SERVICE MANAGER)

MARIE MARTINS, et al.,)) Defendants.

OPINION, MEMORANDUM AND ORDER

Before the Court is self-represented Plaintiff Jermaine A. Keys' Application to Proceed in District Court Without Prepayment of Fees and Costs. [ECF No. 2]. Also before the Court is Plaintiff's Motion for Appointment of Counsel. [ECF No. 3]. To obtain in forma pauperis status, Plaintiff, a prisoner, is required to provide a certified copy of his inmate account statement for the "6-month period immediately preceding the filing of the complaint." 28 U.S.C. § 1915(a)(2). After reviewing the account statement, the Court will then assess an initial partial filing fee. See *id.* § 1915(b)(1). With the commencement of this action, Plaintiff filed his Application, ECF No. 2, but he has not provided a copy of his prison account statement. Plaintiff will be given 21 days to provide the statement so that this case may proceed. His failure to do so will result in the dismissal of this case without prejudice. After reviewing Plaintiff's Motion for Appointment of Counsel, the Court will deny it, without prejudice, at this time. [ECF No. 3]. In civil cases, a pro se litigant does not have a constitutional or statutory right to appointed counsel. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). See also *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998) (stating that "[a] pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case"). Rather, a district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim...and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time, as the Court has not yet had the opportunity to assess Plaintiff's financial status, and it appears from the allegations in Plaintiff's Complaint that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case appear to be complex. The Court will entertain future motions for appointment of counsel as the case progresses. Accordingly, IT IS HEREBY ORDERED that within 21 days of the date of this Order, Plaintiff must submit a certified copy of his prison account statement for the six-month period immediately preceding the filing of his Complaint. IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel [ECF No. 3] is DENIED without prejudice at this time. IT IS FURTHER ORDERED that if Plaintiff fails to comply with this Order, the Court will dismiss this action

without prejudice. Dated this 12 day of May, 2026.

UNITED STATES DISTRICT JUDGE

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