

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

**Gregory Thompson, Delores Thompson, and Eric Thompson v.
Anthony Flores, Current Operator of Value Priced Auto Phoenixians
and Carbid360**

Thompson v. Flores · No. 8:24-cv-00173 · Decided December 8, 2025

SUMMARY

The United States District Court for the District of Nebraska grants Defendant Anthony Flores’s renewed application to proceed in forma pauperis and motion for appointment of counsel. The Court finds that Flores cannot afford counsel and that his health limitations hinder his ability to defend the claims. The order appoints Lynae Tucker-Chellew and the Dornan Law Team and establishes payment and representation terms.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Jacqueline M. DeLuca
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	December 8, 2025
DOCKET	8:24-cv-00173
DISPOSITION	other
PROCEDURAL POSTURE	The court considered pro se Defendant Anthony Flores's renewed motion for appointment of counsel, construed from his application to proceed in forma pauperis and prior motion to appoint counsel.
STANDARD OF REVIEW	Abuse-of-discretion framework governing appointment of counsel in civil cases; the court exercises discretion based on the factual and legal complexity of the case, conflicting testimony, the pro se party's ability to investigate and present or defend claims, efforts to retain counsel, indigency, health limitations, and the likely benefit to the party and the court.
PRECEDENTIAL VALUE	Unknown; memorandum and order from a federal district court with no reporter citation.

TOPICS

civil procedure

costs

attorney fees

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether Flores qualified to proceed in forma pauperis under 28 U.S.C. § 1915.
2. Whether the court should exercise its discretion to appoint counsel for an indigent civil defendant based on his health limitations, the circumstances of the case, and the likely benefit of counsel.

HOLDINGS

1. Flores's application to proceed in forma pauperis was granted because his financial affidavit established that he was unable to afford counsel.
2. A district court may appoint counsel for an indigent civil defendant in its discretion, and appointment was warranted here because Flores's health limitations hindered his ability to defend the claims and both Flores and the court would benefit from representation.

KEY QUOTATIONS

“A civil litigant has no constitutional or statutory right to a court-appointed attorney. The Court may, however, make such an appointment at its discretion.” (Memorandum and Order)

“A trial court has broad discretion to decide whether both the pro se party and the Court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the pro se party’s ability to investigate the facts and present or defend the claims.” (Memorandum and Order)

FACTUAL BACKGROUND

Flores was proceeding pro se and submitted a financial affidavit showing that he was unable to afford counsel. He asserted that he suffered a stroke in August 2025, making it difficult to collect his thoughts and understand the law applicable to the case. The court found that his health limitations hindered his ability to defend the claims and that the case remained sufficiently early in the litigation, with no trial set and discovery and motion deadlines still outstanding.

PROCEDURAL HISTORY

The court previously set a deadline for Flores to move for appointed counsel and denied his initial motion without prejudice because he had not submitted a financial affidavit. After the Clerk provided a blank in forma pauperis application, Flores timely submitted a completed application. The court construed the renewed application as including a renewed motion for appointment of counsel and granted both the in forma pauperis application and the motion.

DISPOSITION

other

CASES CITED

- Davis v. Scott, 94 F.3d 444, 447 (8th Cir. 1996)
- Lightfeather v. Woods, No. 8:21CV115, 2023 WL 3168692, at *2 (D. Neb. Apr. 28, 2023)
- Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1005 (8th Cir. 1984)

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