

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, NORTHERN DIVISION

Andre A. Shantay-Samo-Ne Edwards v. Kaur, Lloyd, and Brandon
Price

Edwards · No. 1:24-cv-12786 · Decided March 3, 2026

SUMMARY

The court grants Plaintiff’s motion for appointment of counsel in a prisoner civil-rights action alleging unconstitutional strip and cavity searches. The case is referred to the court’s pro bono program and stayed for 45 days while counsel is sought; consideration of another pending motion is deferred.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Northern Division
WRITING FOR THE COURT	Patricia T. Morris
JURISDICTION	United States District Court for the Eastern District of Michigan, Northern Division
DECIDED	March 3, 2026
DOCKET	1:24-cv-12786
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se in a prisoner civil-rights action under 42 U.S.C. § 1983, moved for appointment of counsel while a defendant's exhaustion-based motion for summary judgment was pending. The court granted appointment of counsel, referred the matter to its pro bono program, and stayed the case for forty-five days.
PRECEDENTIAL VALUE	Unknown; district-court order with no reported citation or stated precedential designation.
PARTIES	Andre A. Shantay-Samo-Ne Edwards v. Kaur, Lloyd, Brandon Price

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether exceptional circumstances warranted appointing counsel for the pro se prisoner in this civil-rights action.
2. Whether the case should be stayed while the court's pro bono program attempted to obtain counsel.

HOLDINGS

1. Exceptional circumstances warranted appointment of counsel because Plaintiff's limited education, inability to understand federal litigation, difficulty presenting her arguments, and the complexity of the case created a concern that the case could not be decided solely on its merits without counsel.
2. The case was properly stayed for forty-five days while the court's pro bono program made the usual efforts to obtain counsel; if counsel was not obtained by the end of the period, the stay would be lifted and Plaintiff would continue pro se.

KEY QUOTATIONS

"Based on these circumstances, the Court finds that Plaintiff has presented exceptional circumstances warranting the appointment of counsel."

"This case is hereby REFERRED to the Court's pro bono program where the usual efforts must be made to obtain counsel for Plaintiff. Further, this case is STAYED for forty-five (45) days from entry of this order. If pro bono counsel is not obtained by this date, the stay will be lifted, and Plaintiff must continue to proceed pro se."

FACTUAL BACKGROUND

Plaintiff is a pro se prisoner alleging that prison officials strip-searched her and conducted three vaginal cavity searches without reasonable suspicion. She asserts claims under the Fourth and Eighth Amendments. Plaintiff represented that she could not afford counsel, had limited education and an eighth-grade reading level, was unable to obtain pro bono counsel, and did not understand federal litigation. The court found that her handwritten filings were difficult to understand and raised concern that the case could not be decided solely on its merits without counsel.

PROCEDURAL HISTORY

Plaintiff filed claims alleging that prison officials strip-searched her and conducted three vaginal cavity searches without reasonable suspicion, asserting Fourth and Eighth Amendment violations. Defendant Brandon Price moved for summary judgment based on exhaustion, and the district court adopted a recommendation denying that motion. Plaintiff then moved for appointment of counsel and filed an untitled motion concerning the Michigan Department of Corrections' alleged failure to protect her. The court granted the appointment motion, deferred the second motion, referred the case to the pro bono program, and stayed the case for forty-five days.

DISPOSITION

CASES CITED

- Lavado v. Keohane, 992 F.2d 601, 605-06 (6th Cir. 1993)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN NORTHERN DIVISION ANDRE A. SHANTAY-SAMO-NE Case No. 1:24-cv-12786 EDWARDS, Thomas L. Ludington Plaintiff, United States District Judge v. Patricia T. Morris KAUR, LLOYD, and BRANDON United States Magistrate Judge PRICE, Defendants. / ORDER GRANTING PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL (ECF No. 41), CONDITIONALLY APPOINTING COUNSEL, AND STAYING CASE FOR 45 DAYS This is a prisoner civil rights case under 42 U.S.C. § 1983.

In broad terms, Plaintiff, proceeding pro se, is suing prison officials who allegedly strip searched her and then conducted three cavity searches of her vagina absent reasonable suspicion. (ECF No. 1). She brings claims under the Fourth and Eighth Amendments. (Id. at PageID.4).

The Honorable Stephen J. Murphy, III, recently entered an order adopting the Undersigned's recommendation that Defendant Brandon Price's motion for summary judgment on the basis of exhaustion be denied. (ECF No. 51). While Price's motion (ECF No. 21) was pending, Plaintiff filed two motions: (1) a motion for the appointment of counsel (ECF No. 41) and (2) an untitled motion regarding MDOC's failure to protect her (ECF No. 50).

This order will grant the first motion but consideration of the second motion will be deferred until after the issue of appointment of counsel has been resolved. In her motion for the appointment of counsel, Plaintiff says that she cannot afford counsel; the issues in this case are complex; she is illiterate, had "a severely limited education," and has an eighth-grade reading level; has been unable to secure pro bono counsel on her own; and has no understanding of federal litigation.

(ECF No. 41, PageID.328). She makes the same or similar statements in a sworn affidavit attached as an exhibit to the motion. (Id. at PageID.334–35). Plaintiff's filings to date have been primarily handwritten and difficult to understand. While Plaintiff appears to be trying her best to convey her arguments to the Court, there is reason to be concerned whether this case can be decided solely on the merits absent the appointment of counsel.

Based on these circumstances, the Court finds that Plaintiff has presented exceptional circumstances warranting the appointment of counsel. See Lavado v. Keohane, 992 F.2d 601, 605–06 (6th Cir. 1993). Therefore, Plaintiff's motion (ECF No. 41) is GRANTED. This case is hereby

REFERRED to the Court's pro bono program where the usual efforts must be made to obtain counsel for Plaintiff.

Further, this case is STAYED for forty-five (45) days from entry of this order. If pro bono counsel is not obtained by this date, the stay will be lifted, and Plaintiff must continue to proceed pro se. IT IS SO ORDERED. Date: March 3, 2026 s/patricia t. morris Patricia T. Morris United States Magistrate Judge