

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Anthony Jefferson v. Leonard Moore, et al.

Jefferson v. Moore · No. 23-cv-3263-TC-JBW · Decided May 20, 2026

SUMMARY

The United States District Court for the District of Kansas denied Anthony Jefferson’s motions for appointment of counsel in his pro se 42 U.S.C. § 1983 action alleging Eighth Amendment violations. The court concluded that Jefferson had demonstrated an ability to investigate and present his claims, which did not involve unusually complex factual or legal issues, and denied the motions without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Jennifer B. Wieland
JURISDICTION	United States District Court for the District of Kansas
DECIDED	May 20, 2026
DOCKET	23-cv-3263-TC-JBW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se prisoner proceeding in forma pauperis under 42 U.S.C. § 1983, moved for appointment of counsel in a pending civil rights action.
STANDARD OF REVIEW	The court exercises broad discretion under 28 U.S.C. § 1915(e)(1) when deciding whether to request counsel for an indigent civil litigant, considering the merits of the claims, the complexity of the factual and legal issues, and the prisoner's ability to investigate and present the claims.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Anthony Jefferson v. Leonard Moore, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should appoint counsel for an indigent prisoner proceeding pro se in a civil rights action under 42 U.S.C. § 1983.
2. Whether the plaintiff's restrictive housing, limited access to legal resources, and health problems established sufficient special circumstances to warrant appointment of counsel.

HOLDINGS

1. An indigent prisoner has no constitutional right to appointed counsel in a civil action, and appointment under 28 U.S.C. § 1915(e)(1) is discretionary.
2. In deciding whether to request counsel under § 1915(e)(1), the court considers the merits of the prisoner's claims, the nature and complexity of the factual and legal issues, and the prisoner's ability to investigate the facts and present the claims.
3. Jefferson did not demonstrate sufficient special circumstances to warrant appointment of counsel because he had adequately investigated and presented his claims and the issues were not legally or factually complex.
4. Section 1915(e)(1) authorizes a court only to request an attorney willing to provide representation and does not authorize the court to compel an unwilling attorney to accept the appointment.

KEY QUOTATIONS

“However, under the in forma pauperis statute, the court “may request an attorney to represent” a party unable to afford counsel.”

“The burden is on the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel.”

“Plaintiff's motions for appointment of counsel are denied.”

FACTUAL BACKGROUND

Jefferson is incarcerated at the El Dorado Correctional Facility and is proceeding pro se and in forma pauperis. He stated that he was in restrictive housing, had limited access to legal materials, could use a legal tablet only about once per month, and had declining health that limited his ability to litigate. Despite those circumstances, the court found that he had litigated the case for more than two years, gathered facts, presented his claims, and filed pleadings that adequately stated the factual and legal bases of his claims.

PROCEDURAL HISTORY

Jefferson filed a prisoner civil rights action alleging excessive force, deliberate indifference, and cruel and unusual punishment in violation of the Eighth Amendment. The court previously denied motions for appointment of counsel without prejudice. After considering Jefferson's renewed motion and motion to amend for appointment of counsel together, the court denied both motions without prejudice.

DISPOSITION

other

CASES CITED

- Durre v. Dempsey, 869 F.2d 543, 547 (10th Cir. 1989)
- Pinson v. Equifax Credit Info. Servs., Inc., 316 F. App'x 744, 749 (10th Cir. 2009)
- Steffey v. Orman, 461 F.3d 1218, 1224 (10th Cir. 2006)
- Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1115 (10th Cir. 2004)
- McCarthy v. Weinberg, 753 F.2d 836, 838 (10th Cir. 1985)
- Mallard v. U.S. Dist. Ct. for S. Dist. of Iowa, 490 U.S. 296, 301–08 (1989)
- Castner v. Colo. Springs Cablevision, 979 F.2d 1417, 1421 (10th Cir. 1992)
- Wishneski v. Andrade, 572 F. App'x 563, 570 (10th Cir. 2014)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-kansas-united-states-district-court-for-the-district/2026/anthony-jefferson-v-leonard-moore-et-al-glpypq4a>