

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, LOUISVILLE DIVISION

Antonio Lee O’Bannon v. Samika Wheat, et al.

No. 3:25-CV-00322-JHM (W.D. Ky. May 18, 2026) · No. 3:25-CV-00322-JHM · Decided May 18, 2026

SUMMARY

The United States District Court for the Western District of Kentucky denied pro se plaintiff Antonio Lee O’Bannon’s motion for appointment of counsel. The court held that no exceptional circumstances warranted appointing counsel under 28 U.S.C. § 1915(e)(1) and found any request for trial counsel premature.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Louisville Division
WRITING FOR THE COURT	Joseph H. McKinley Jr., Senior Judge
JURISDICTION	United States District Court for the Western District of Kentucky
DECIDED	May 18, 2026
DOCKET	3:25-CV-00322-JHM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for appointment of counsel in his civil action, either immediately or if the case proceeds to trial. The district court denied the motion.
STANDARD OF REVIEW	Appointment of counsel under 28 U.S.C. § 1915(e)(1) is discretionary and is warranted only upon a showing of exceptional circumstances.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; limited persuasive value

TOPICS

- civil procedure
- civil rights
- prisoners rights

PRACTICE AREAS

- Civil procedure
- Civil rights
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court should exercise its discretion to appoint counsel for a pro se civil plaintiff under 28 U.S.C. § 1915(e)(1).
2. Whether a request for appointment of counsel to represent plaintiff at a potential trial was premature.

HOLDINGS

1. Appointment of counsel in a civil case is discretionary and is justified only in exceptional circumstances; plaintiff did not establish exceptional circumstances because he did not explain the need for counsel, the issues were not sufficiently complex, and his filings showed that he could adequately represent himself.
2. To the extent plaintiff requested counsel for trial, the request was premature.

KEY QUOTATIONS

"The appointment of counsel in a civil case is not a constitutional right." (1)

"It is a privilege that is justified only by exceptional circumstances." (1)

FACTUAL BACKGROUND

Plaintiff was proceeding pro se in a civil action and requested that the court appoint counsel, without explaining why appointment was necessary. The court reviewed his filings and found him sufficiently articulate and able to present his case. The court also found that the issues were not sufficiently complex to require appointed counsel.

PROCEDURAL HISTORY

Antonio Lee O'Bannon, proceeding pro se, filed a motion for appointment of counsel. The district court determined that he had not shown exceptional circumstances warranting appointed counsel and that any request for counsel at trial was premature.

DISPOSITION

other

CASES CITED

- Lavado v. Keohane, 992 F.2d 601, 605-06 (6th Cir. 1993)
- Childs v. Pellegrin, 822 F.2d 1382, 1384 (6th Cir. 1987)
- United States v. Madden, 352 F.2d 792, 793 (9th Cir. 1965)
- Wahl v. McIver, 773 F.2d 1169, 1174 (11th Cir. 1985)

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