

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Courtney Miller v. Eric Miller, et al.

Miller v. Miller · No. 3:25-CV-1454 · Decided January 30, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania grants Courtney Miller leave to file a third amended complaint, directing her to assert only her own claims and to file the complaint by February 13, 2026. The court denies without prejudice her motion for appointment of counsel, concluding that the case is at an early stage and that the relevant factors do not presently warrant appointment. The court states that the plaintiff’s motions for temporary restraining orders will be addressed separately in a Report and Recommendation.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Daryl F. Bloom
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	January 30, 2026
DOCKET	3:25-CV-1454
DISPOSITION	other
PROCEDURAL POSTURE	The matter was remanded to the undersigned magistrate judge to address the plaintiff’s filings, including screening of her amended complaint, motions for temporary restraining orders, and motion to appoint counsel. The court ruled on the plaintiff’s motion to amend and motion for appointment of counsel.
STANDARD OF REVIEW	The motion to appoint counsel was evaluated under the discretionary, case-by-case framework applicable to 28 U.S.C. § 1915(e)(1), including the six factors identified by the Third Circuit.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motion to amend
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave to file a third amended complaint while being required to assert only her own claims.
2. Whether plaintiff should be appointed counsel under 28 U.S.C. § 1915(e)(1).

HOLDINGS

1. Plaintiff's motion to file a third amended complaint was granted, but the amended pleading was required to be single, comprehensive, and concise and to assert only claims belonging to plaintiff, not claims on behalf of Courtney Voyton.
2. Appointment of counsel was denied without prejudice because the decision under § 1915(e)(1) is discretionary and the relevant factors did not warrant appointment at that stage of the litigation.

KEY QUOTATIONS

“The decision to appoint counsel under §1915(e)(1) is discretionary and must be made on a case-by-case basis.” (at 2)

“Volunteer lawyer time is extremely valuable. Hence, district courts should not request counsel under § 1915(d) indiscriminately.” (at 3)

FACTUAL BACKGROUND

Plaintiff's proposed amended complaint contained more than 100 pages of factual averments and legal claims against various defendants and proposed defendants. The proposed pleading also asserted claims on behalf of Courtney Voyton, who had since filed her own civil action. Plaintiff sought court-appointed counsel based principally on indigency, unfamiliarity with the law, and her status as a survivor of domestic violence.

PROCEDURAL HISTORY

Plaintiff filed an amended complaint, motions for temporary restraining orders, and a motion to appoint counsel. She then moved to file another amended complaint and later supplemented that motion to exclude claims asserted on behalf of Courtney Voyton, who had filed a separate lawsuit. The court granted leave to file a third amended complaint subject to specified limitations and denied appointment of counsel without prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiff was ordered to file a single, comprehensive, and concise third amended complaint asserting only claims against the relevant defendants and proposed defendants, excluding claims on behalf of Courtney Voyton, on or

before February 13, 2026. The request for appointed counsel was denied without prejudice to reconsideration as the litigation progresses.

CASES CITED

- 126 F.3d 454, 456-57 (3d Cir. 1997)
- 6 F.3d 147, 153, 157-58 (3d Cir. 1993)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA COURTNEY MILLER,; Civil No. 3:25-CV-1454 Plaintiff,; (Judge Saporito) v.;; (Chief Magistrate Judge Bloom) ERIC MILLER, et al.,; Defendants.; MEMORANDUM AND ORDER This matter has been remanded to the undersigned for consideration of the plaintiff's various filings, including a screening review of her amended complaint, her motions for temporary restraining orders, and her motion to appoint counsel.¹ In the interim, the plaintiff has filed a motion to amend her complaint, which attaches an amended complaint that asserts claims on behalf of a second plaintiff who has since filed her own civil lawsuit.² The plaintiff then filed a supplement, requesting us to strike the claims in her proposed third amended complaint relating to the second proposed plaintiff and consider only 1 Docs.

2, 10, 19, 21. We will address the plaintiff's motions for TRO in a separate Report and Recommendation to the district court. 2 Doc. 30;; Civ. No. 3:26-CV-27. those claims related to her.³ We will GRANT the plaintiff's motion to file a third amended complaint, but direct the plaintiff to file a single, comprehensive, and concise amended complaint asserting only those claims that she has against the various defendants and proposed defendants—the amended complaint should not contain any claims on behalf of Courtney Voyton, who has filed her own lawsuit.

The plaintiff shall file her third amended complaint on or before February 13, 2026. The plaintiff has also filed a motion for appointment of counsel.⁴ While we understand the plaintiff's interest in securing court-appointed counsel, we also recognize that there is neither a constitutional nor a statutory right to counsel for civil litigants.⁵ Instead, 28 U.S.C. § 1915(e)(1) provides that "[t]he court may request an attorney to represent any person unable to employ counsel." The decision to appoint counsel under §1915(e)(1) is discretionary and must be made on a case-by-case basis.⁶ 3 Doc.

32. 4 Doc. 19. 5, 126 F.3d 454, 456-57 (3d Cir. 1997);, 6 F.3d 147, 153 (3d Cir. 1993). 6, 6 F.3d at 157-58. 2 The Third Circuit Court of Appeals has set forth six factors to guide our consideration of the plaintiff's request for counsel: (1) the plaintiff's ability to present his or her own case; (2) the complexity of the legal issues; (3) the degree to which factual investigation will be necessary and the ability of the plaintiff to pursue such investigation; (4) the amount a case is likely to turn on

credibility determinations; (5) whether the case will require the testimony of expert witnesses; [and] (6) whether the plaintiff can attain and afford counsel on his own behalf.⁷ Additionally, the Court of Appeals has recognized several practical considerations that we must consider, such as the number of actions filed in federal court; the lack of funding for court-appointed counsel; and the limited number of lawyers willing to undertake representation without compensation.⁸ “[V]olunteer lawyer time is extremely valuable.

Hence, district courts should not request counsel under § 1915(d) indiscriminately.”⁹ Here, our analysis of these factors leads us to conclude that counsel should not be appointed at this time. At the outset, this case is in its early stages, with the plaintiff being given an opportunity to file an 7, 126 F.3d at 457. 8, 6 F.3d at 157. 9 3 amended complaint, which will be subject to a mandatory screening review due to the plaintiff’s status.

While the plaintiff generally cites her indigent status and unfamiliarity with the law to indicate she is unable to proceed, the facts of this case appear to be well known to the plaintiff, whose proposed amended complaint contains over 100 pages of factual averments and legal claims against the defendants. Further, while the plaintiff appears to heavily rely on the fact that she is a survivor of domestic violence, this does not, in itself, entitle her to pro bono counsel in this matter.

Considering the relevant factors, we will DENY this request to appoint counsel at this time without prejudice to re-examining this issue at the request of the plaintiff, or, as this litigation progresses. Daryl F. Bloom Chief United States Magistrate Judge 4