

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Jonathan Payton v. Lamarque Ford

Payton · No. 25-1481 · Decided January 9, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Jonathan Payton’s motion for appointment of counsel under 28 U.S.C. § 1915(e)(1). The court found that Payton had not shown exceptional circumstances or efforts to obtain private counsel and that his complaint appeared to lack a cognizable claim or subject-matter jurisdiction because the Federal Trade Commission Act does not provide a private right of action. The court ordered Payton to show cause by February 25, 2026, why the complaint should not be dismissed.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Melly Currault
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 9, 2026
DOCKET	25-1481
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff proceeding in forma pauperis moved for appointment of counsel while the court screened his complaint and ordered him to show cause why the action should not be dismissed as frivolous and for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The court applied the exceptional-circumstances standard governing appointment of counsel under 28 U.S.C. § 1915(e)(1) and the statutory screening standard under 28 U.S.C. § 1915(e)(2).
PRECEDENTIAL VALUE	Unpublished federal district court order; limited persuasive value
PARTIES	Jonathan Payton v. Lamarque Ford

TOPICS

- subject matter jurisdiction
- civil procedure
- consumer protection
- motions to dismiss

PRACTICE AREAS

Civil procedure

Federal courts

Consumer protection

QUESTIONS PRESENTED

1. Whether Payton established exceptional circumstances warranting appointment of counsel under 28 U.S.C. § 1915(e)(1).
2. Whether the complaint appeared to state a cognizable claim and establish federal subject matter jurisdiction sufficient to proceed past in forma pauperis screening.
3. Whether Payton's failure to respond to the prior show-cause order warranted immediate dismissal or instead justified allowing another opportunity to respond.

HOLDINGS

1. A civil litigant has no constitutional right to court-appointed counsel, and indigence alone does not warrant appointment; the plaintiff must establish exceptional circumstances under 28 U.S.C. § 1915(e)(1).
2. Appointment of counsel was not warranted because Payton failed to establish exceptional circumstances, failed to show that the case was particularly complex or that he could not adequately investigate and present it, and did not identify efforts to obtain private counsel.
3. The complaint appeared to fail to state a cognizable claim and to lack a basis for federal subject matter jurisdiction because 15 U.S.C. § 45 does not provide a private cause of action.

KEY QUOTATIONS

“A litigant has no constitutional right to a court-appointed attorney in a civil case.” (II.A)

“It is only those extraordinarily complex cases that require such extraordinary measures.” (III.B)

“Plaintiff’s failure to respond in writing as directed herein may result in the dismissal of his complaint.” (IV)

FACTUAL BACKGROUND

Payton alleged that Lamarque Ford stated his 2013 Ford Taurus was operating without issue after a full-service oil change and car wash, but that the vehicle began leaking water and coolant within two weeks. He asserted a deceptive-practices claim under the Federal Trade Commission Act. Payton alleged limited financial resources and sought appointed counsel, but did not identify efforts to obtain private counsel or facts showing that the case was unusually complex.

PROCEDURAL HISTORY

Payton filed a complaint asserting a deceptive-practices claim under the Federal Trade Commission Act. The court granted in forma pauperis status but withheld issuance of summons pending screening and ordered Payton to show cause why the complaint should not be dismissed. Payton did not timely respond, apparently because he changed addresses without promptly notifying the clerk. The court gave him another opportunity to respond by

February 25, 2026, denied his motion for appointment of counsel, and warned that failure to respond could result in dismissal.

DISPOSITION

other

CASES CITED

- F.T.C. v. Assail, Inc., 410 F.3d 256, 267 (5th Cir. 2005)
- Jackson v. Cain, 864 F.2d 1235, 1242 (5th Cir. 1989)
- Baranowski v. Hart, 486 F.3d 112, 126 (5th Cir. 2007)
- Hadd v. LSG-Sky Chefs, 272 F.3d 298, 301 (5th Cir. 2001)
- Castro Romero v. Becken, 256 F.3d 349, 353-54 (5th Cir. 2001)
- Naranjo v. Thompson, 809 F.3d 793, 799, 804-06 (5th Cir. 2015)
- Ulmer v. Chancellor, 691 F.2d 209, 212-13 (5th Cir. 1982)
- Branch v. Cole, 686 F.2d 264, 266 (5th Cir. 1982)
- Parker v. Carpenter, 978 F.2d 190, 193 (5th Cir. 1992)
- Thompson v. Tex. Dep't of Crim. Just., 67 F.4th 275, 283 (5th Cir. 2023)
- Newsome v. E.E.O.C., 301 F.3d 227, 231-33 (5th Cir. 2002)
- Neitzke v. Williams, 490 U.S. 319, 324-25, 327-28 (1989)
- Howard v. Langston, 544 F. App'x 427, 427 (5th Cir. 2013)
- Denton v. Hernandez, 504 U.S. 25, 32-33 (1992)
- Byrd v. Lindsey, 736 F. App'x 465, 468 (5th Cir. 2018)
- Gaubert v. NCMIC Fin. Corp., No. 10-1844, 2010 WL 4026385, at *2 (E.D. La. Oct. 13, 2010)
- Norris v. Fairbanks Cap. Corp., 178 F. App'x 401, 403 (5th Cir. 2006)
- Fulton v. Hecht, 580 F.2d 1243, 1248 n.2 (5th Cir. 1978)
- LaBranche v. Nestor I LLC, No. 18-8399, 2019 WL 3891555, at *3 (E.D. La. Aug. 19, 2019)
- Hudson v. Univ. of Tex. Med. Branch, 441 F. App'x 291, 293 (5th Cir. 2011)

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