

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Antwon L. Williams v. Scott Frakes et al.

Williams v. Frakes · No. 4:23CV3214 · Decided December 11, 2025

SUMMARY

The court grants the plaintiff's motions requesting case-status information, denies without prejudice his motion for appointment of counsel, and strikes his discovery requests from the court file. The court concludes that the medical deliberate-indifference case is not yet sufficiently complex to warrant appointed counsel and that discovery is premature because not all defendants have been served and no progression order has been entered. The order also addresses service of the remaining defendant.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Joseph F. Bataillon
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	December 11, 2025
DOCKET	4:23CV3214
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a prisoner proceeding pro se, moved for appointment of counsel, status updates, and filed interrogatories, requests for production, and requests for admission. The district court granted the status motions, denied appointment of counsel without prejudice, and struck the discovery requests.
STANDARD OF REVIEW	The court applied its discretionary standard for requesting counsel for an indigent civil litigant, considering factual and legal complexity, the plaintiff's ability to investigate and present claims, and the presence or absence of conflicting testimony. It applied the Federal Rules of Civil Procedure and the District of Nebraska's local rules to the discovery filings.
PRECEDENTIAL VALUE	unpublished
PARTIES	Antwon L. Williams v. Scott Frakes, Jeff Kasselmann, Dr. Robert Cunard, Cheryl Flinn, Erin Dougherty, Rob Jeffreys, Jerry Lee Lovelace Jr.

TOPICS

discovery dispute civil procedure prisoners rights health law

PRACTICE AREAS

civil procedure civil rights prisoner litigation medical deliberate indifference

QUESTIONS PRESENTED

1. Whether the court should request appointed counsel for Williams in this civil prisoner medical deliberate-indifference action.
2. Whether Williams's interrogatories, requests for production, and requests for admission could be filed with the court before service on the opposing parties and before entry of a progression order.
3. Whether the court should grant Williams's motions requesting status information concerning appointment of counsel and service on Dougherty.

HOLDINGS

1. The court denied Williams's motion to appoint counsel without prejudice to reassertion because the case was relatively straightforward, Williams had demonstrated an ability to present his claims, and the case had not yet reached a stage at which conflicting testimony or credibility issues warranted counsel.
2. Williams's discovery requests were unauthorized and premature and were properly stricken from the court file because discovery materials must be served directly on the opposing party, generally must not be filed with the court absent a specified need or court order, and no discovery could occur before entry of a progression order in this pro se case.
3. The court granted Williams's motions for status by informing him of the status of his motion for appointed counsel and of service efforts concerning Dougherty.

KEY QUOTATIONS

“There is no constitutional or statutory right to appointed counsel in civil cases.” (Section II)

“As such, Plaintiff’s discovery requests to Defendants are unauthorized filings which will be ordered stricken from the Court file.” (Section III)

“Thus, no discovery may take place at this time.” (Section III)

FACTUAL BACKGROUND

Williams alleged that prison medical defendants improperly administered anti-seizure medication, presenting a medical deliberate-indifference claim. He was incarcerated and proceeding without counsel, but his filings were generally well written and he had complied with court directives. Defendant Erin Dougherty had not yet been served, not all defendants had answered, and the court had not entered a progression order when Williams filed discovery requests.

PROCEDURAL HISTORY

Williams brought a civil rights action concerning the alleged improper administration of anti-seizure medication. While the action was pending, he moved for appointment of counsel and filed motions seeking case-status information and discovery requests. Because one defendant had not yet been served and no progression order had been entered, the court resolved the motions by memorandum and order.

DISPOSITION

other

CASES CITED

- Phillips v. Jasper Cnty. Jail, 437 F.3d 791, 794 (8th Cir. 2006)
- Chambers v. Pennycook, 641 F.3d 898, 909 (8th Cir. 2011)
- Recca v. Omaha Police Dep't, 859 F. App'x 3, 4 (8th Cir. 2021)
- Davis v. Scott, 94 F.3d 444, 447 (8th Cir. 1996)
- Patterson v. Kelley, 902 F.3d 845, 850 (8th Cir. 2018)
- Williams v. Carter, 10 F.3d 563, 567 (8th Cir. 1993)
- Brown v. Dep't of Health & Human Servs., No. 8:16CV377, 2017 WL 1533386, at *3 (D. Neb. Apr. 26, 2017)
- Hillard v. Windstream Commc'ns, No. 8:10CV52, 2010 WL 1927970, at *1 (D. Neb. May 11, 2010)