

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Andre Maurice Carstarphen, Jr. v. Quedarius Brown, et al.

Carstarphen · No. 1:24-0007-KD-N · Decided January 21, 2026

SUMMARY

The United States District Court for the Southern District of Alabama appointed counsel for incarcerated plaintiff Andre Maurice Carstarphen, Jr. in his 42 U.S.C. § 1983 action. The court found exceptional circumstances based on Carstarphen’s indigence, incarceration, anticipated conflicting testimony, and the need for assistance with discovery, while explaining the limits and potential reimbursement of appointed counsel’s compensation.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	Katherine P. Nelson
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	January 21, 2026
DOCKET	1:24-0007-KD-N
DISPOSITION	other
PROCEDURAL POSTURE	In an ongoing prisoner civil-rights action under 42 U.S.C. § 1983, the court considered whether appointment of counsel was warranted after summary judgment had been denied on excessive-force and supervisory-liability claims.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil rights
- section 1983
- civil procedure
- discovery dispute

PRACTICE AREAS

- civil rights
- prisoner civil rights
- civil procedure

QUESTIONS PRESENTED

1. Whether exceptional circumstances warranted appointment of counsel for an indigent incarcerated plaintiff in a § 1983 action.
2. Whether N. Stewart Hanley should be appointed to represent Carstarphen through entry of final judgment.

HOLDINGS

1. Exceptional circumstances existed warranting appointment of counsel because Carstarphen was indigent and incarcerated, the case would substantially depend on conflicting testimony requiring skill in evidentiary presentation and cross-examination, and counsel would assist with efficient discovery.
2. N. Stewart Hanley was appointed as counsel for Carstarphen through entry of final judgment, but the court would not pay appointed counsel's attorney fees directly; reimbursement or compensation could be sought under applicable statutes, settlement terms, and the Southern District of Alabama's Special Attorney Admissions Fund procedures.

KEY QUOTATIONS

“While no single factor requires appointment of counsel, in the aggregate, this case presents exceptional circumstances that necessitate appointment of counsel.”

“The Court will not pay appointed counsel’s attorney fees in connection with this appointment.”

FACTUAL BACKGROUND

Carstarphen is incarcerated, indigent, and proceeding without counsel in a § 1983 action. The claims remaining after summary judgment include excessive-force claims against Officer Quedarius Brown and Sergeant Donnell Carter and a supervisory-liability claim against Warden Noah Price Oliver. The court found that trial would involve conflicting testimony and that counsel would assist with presenting and cross-examining witnesses and conducting discovery.

PROCEDURAL HISTORY

Carstarphen, an Alabama prisoner proceeding pro se and in forma pauperis, brought claims under 42 U.S.C. § 1983. After defendants filed answers and special reports, the court converted those filings into a Rule 56 motion for summary judgment. On July 7, 2025, the court adopted the magistrate judge's recommendation and denied summary judgment on excessive-force claims against Quedarius Brown and Donnell Carter and a supervisory-liability claim against Noah Price Oliver. The court then determined that exceptional circumstances warranted appointment of counsel and appointed N. Stewart Hanley for all further district-court proceedings through final judgment.

DISPOSITION

other

CASES CITED

- Smith v. Fla. Dep't of Corr., 713 F.3d 1059, 1065 (11th Cir. 2013) (per curiam)
- Ulmer v. Chancellor, 691 F.2d 209, 213 (5th Cir. 1982)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION ANDRE MAURICE) CASTARPHEN, JR.,) Plaintiff,)) v.) CIV. ACTION NO. 1:24-0007-KD-N) QUEDARIUS BROWN,) et al.,) Defendants.) ORDER Plaintiff Andre Maurice Carstarphen, Jr., an Alabama prisoner proceeding pro se and in forma pauperis, brought this civil action asserting claims under 42 U.S.C. § 1983.

After the Defendants filed their Answers and Special Reports as ordered, the undersigned converted those filings into a motion for summary judgment under Federal Rule of Civil Procedure 56 and set deadlines for briefing. (See Doc. 49).

On July 7, 2025, the Court, adopting the recommendation of the undersigned, denied summary judgment on Carstarphen's claims as to the following: • Excessive force claims against Officer Quedarius Brown and Sergeant Donnell Carter. (Doc. 53, PageID.796; Doc. 54, PageID.805). • Supervisory liability against Warden Noah Price Oliver. (Doc. 53, PageID.799; Doc.

54, PageID.805). Upon consideration of this action as it currently stands, the undersigned has determined that the appointment of counsel would advance the proper administration of justice. See 28 U.S.C. § 1915(e)(1) ("The court may request an attorney to represent any person unable to afford counsel."); Smith v. Fla. Dep't of Corr., 713 F.3d 1059, 1065 (11th Cir.

2013) (per curiam) ("While no single factor requires appointment of counsel, in the aggregate, this case presents exceptional circumstances that necessitate appointment of counsel."); Ulmer v. Chancellor, 691 F.2d 209, 213 (5th Cir. 1982) (setting forth factors for guidance in determining if exceptional circumstances warrant appointment of counsel.).

The undersigned finds, in light of the summary judgment order identified above, that exceptional circumstances exist for appointment of counsel. Specifically, Carstarphen is indigent and currently incarcerated, and the evidence at trial will consist—in significant part—of conflicting testimony that will require the skill of counsel in the presentation of evidence as well as in cross-examination.

Appointment of counsel will also assist the efficient conduct of discovery for the remaining claims. As such, it is ORDERED that, N. Stewart Hanley, Esq., an attorney in Mobile, Alabama, who is duly licensed to practice in this Court, is hereby APPOINTED to serve as counsel for Carstarphen in this action for all further district court proceedings in this civil action through entry of final judgment.

The Court will not pay appointed counsel's attorney fees in connection with this appointment. Instead, entitlement to attorneys' fees in this action will be based on statute and/or the terms of any settlement agreement.

However, by standing order, this Court has created a Special Attorney Admissions Fund for "[r]eimbursement of pro bono counsel for out-of-pocket expenses, payment of compensation to pro bono counsel, and payment of witness fees and other expenses on behalf of indigent pro se civil litigants." See S.D. ALA. Standing Order No. 16, Attached Plan for the Administration of the Special Attorney Admissions Fund, ¶ 5.F.

See also S.D. Ala. CivLR 67.1(a) ("The Special Attorney Admission Fund... shall be maintained by the Clerk to compensate appointed counsel in civil rights actions for reasonably incurred expenses authorized by prior order of the Judge to whom the action is assigned. Compensation from the Fund is not authorized for attorney's fees or for expenses for which any other source of payment exists").

S.D. Ala. Civil Local Rule 67.1(c)-(d) provides the procedure for requesting and receiving payment from the Special Attorney Admissions Fund. Additionally, before coming out-of-pocket to pay expenses for this litigation, counsel must seek pre-approval of all expenditures for which he will seek reimbursement from this Court.

The Clerk of Court is DIRECTED to mail a copy of this order to Carstarphen at his address of record. DONE and ORDERED this 21st Day of January, 2026. /s/ Katherine P. Nelson
KATHERINE P. NELSON UNITED STATES MAGISTRATE JUDGE