

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Larry Mack v. Tracy Jackson, et al.

Mack · No. 2:25-CV-69-WKW · Decided December 8, 2025

SUMMARY

The United States District Court for the Middle District of Alabama denies Larry Mack’s motion for appointment of counsel in his civil action. The court explains that civil litigants generally have no constitutional right to counsel and that appointment is reserved for exceptional circumstances, which Mack had not demonstrated. The court leaves open the possibility of reconsidering the issue if circumstances later warrant.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	W. Keith Watkins
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	December 8, 2025
DOCKET	2:25-CV-69-WKW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for appointment of counsel in a pending civil action after being granted leave to proceed in forma pauperis.
STANDARD OF REVIEW	The court applied its broad discretion to determine whether appointment of counsel was appropriate in a civil case.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.
PARTIES	Larry Mack v. Tracy Jackson, et al.

TOPICS

- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should appoint counsel for the plaintiff in this civil action.

HOLDINGS

1. A plaintiff in a civil case has no constitutional right to counsel.
2. Appointment of counsel is justified only by exceptional circumstances, such as when the facts and legal issues are so novel or complex that assistance from a trained practitioner is required; no such circumstances were shown here.

KEY QUOTATIONS

“A plaintiff in a civil case has no constitutional right to counsel.”

“Generally, appointment of counsel in a civil case is “a privilege that is justified only by exceptional circumstances, such as where the facts and legal issues are so novel or complex as to require the assistance of a trained practitioner.””

FACTUAL BACKGROUND

Mack requested appointment of counsel, stating that he had no way to move forward without help. He had been granted leave to proceed in forma pauperis and had filed an amended complaint. The court found that the issues were not novel or unduly complex and that Mack was able to articulate facts and grounds for relief without notable difficulty.

PROCEDURAL HISTORY

Larry Mack filed a civil action and an amended complaint. After the court granted him leave to proceed in forma pauperis, he moved for legal assistance or appointment of counsel. The district court denied the motion without prejudice to reconsideration if circumstances later warranted it.

DISPOSITION

other

CASES CITED

- Kilgo v. Ricks, 983 F.2d 189, 193 (11th Cir. 1993)
- Poole v. Lambert, 819 F.2d 1025, 1028 (11th Cir. 1987) (per curiam)
- Dean v. Barber, 951 F.2d 1210, 1216 (11th Cir. 1992)
- Killian v. Holt, 166 F.3d 1156, 1157 (11th Cir. 1999) (per curiam)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION LARRY MACK, AIS # 150585,)) Plaintiff,)) v.) CASE NO. 2:25-CV-
69-WKW) [WO] TRACY JACKSON, et al.,)) Defendants.) ORDER Before the court is
Plaintiff's motion to get legal assistance. (Doc. # 11.) A plaintiff in a civil case has no
constitutional right to counsel.

Kilgo v. Ricks, 983 F.2d 189, 193 (11th Cir. 1993) (citing Poole v. Lambert, 819 F.2d 1025, 1028
(11th Cir. 1987) (per curiam)). Generally, appointment of counsel in a civil case is "a privilege that
is justified only by exceptional circumstances, such as where the facts and legal issues are so novel
or complex as to require the assistance of a trained practitioner." Dean v. Barber, 951 F.2d 1210,
1216 (11th Cir.

1992) (quoting Poole, 819 F.2d at 1028). Although Plaintiff has been granted leave to proceed in
forma pauperis (Doc. # 12), and 28 U.S.C. § 1915(e)(1) says that "the court may request an
attorney to represent any person unable to afford counsel" (emphasis added), the court has broad
discretion in deciding whether appointment of counsel is appropriate. Killian v. Holt, 166 F.3d
1156, 1157 (11th Cir.

1999) (per curiam). As grounds for his motion, Plaintiff simply requests counsel because he has
"no way to move forward without help." Upon review of the record, however, the issues raised in
Plaintiff's complaint are not novel or unduly complex. Furthermore, Plaintiff has not presented
any exceptional circumstances that would justify appointment of counsel at this time.

Finally, looking to his amended complaint (Doc. # 7), it appears that Plaintiff is able to articulate
facts and grounds for relief without notable difficulty. Based on the foregoing, it is ORDERED
that Plaintiff's motion for appointment of counsel (Doc. # 11) is DENIED at this time.

The court will reconsider this issue at a later date if warranted by the circumstances of this case.
DONE this 8th day of December, 2025. /s/ W. Keith Watkins UNITED STATES DISTRICT
JUDGE