

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

Harold Moss v. Lee County Justice Center, et al.

Moss · No. 3:24-CV-770-WKW · Decided December 17, 2025

SUMMARY

The court denied as moot several motions seeking status updates, denied the plaintiff’s renewed motion for appointment of counsel, and denied his motion to subpoena medical records as premature. The court also denied the plaintiff’s request for a preliminary injunction concerning alleged denial of medical care and medication because he failed to establish the required prerequisites for preliminary relief. The plaintiff was permitted or required to amend his complaint before screening and any subsequent discovery.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Eastern Division
WRITING FOR THE COURT	W. Keith Watkins
JURISDICTION	United States District Court for the Middle District of Alabama, Eastern Division
DECIDED	December 17, 2025
DOCKET	3:24-CV-770-WKW
DISPOSITION	other
PROCEDURAL POSTURE	The district court ruled on the plaintiff's motions for status updates, appointment of counsel, a subpoena for medical records, and a preliminary injunction while the civil action remained in the pleading and screening stage.
STANDARD OF REVIEW	Appointment of counsel in a civil case is committed to the district court's broad discretion. A preliminary injunction is committed to the sound discretion of the district court and requires satisfaction of four prerequisites.
PRECEDENTIAL VALUE	unpublished
PARTIES	Harold Moss v. Lee County Justice Center, et al.

TOPICS

injunctions

discovery dispute

pleadings

civil procedure

medical records privacy

PRACTICE AREAS

Civil procedure

Civil rights

Prisoner medical care

Injunctive relief

QUESTIONS PRESENTED

1. Whether the plaintiff's motions for status updates should be denied as moot after the court entered orders setting a status hearing and permitting amendment of the complaint.
2. Whether the plaintiff was entitled to appointment of counsel in this civil action based solely on his inability to afford an attorney.
3. Whether the plaintiff could subpoena medical records before filing a viable amended complaint, completion of screening, service of process, and entry of a scheduling order.
4. Whether the plaintiff was entitled to a preliminary injunction concerning alleged denial of medical care and prescribed medication.

HOLDINGS

1. The plaintiff's motions for status updates were properly denied as moot because the court had already entered an order setting a status hearing and an order permitting amendment of the complaint.
2. A civil litigant has no constitutional right to appointed counsel, and inability to afford an attorney alone does not establish the exceptional circumstances necessary for discretionary appointment of counsel.
3. The plaintiff's motion to subpoena medical records was properly denied as premature because the complaint had not yet been amended and screened to determine whether a viable claim would proceed, service had not occurred, and no scheduling order had been entered.
4. The plaintiff was not entitled to a preliminary injunction because he failed to demonstrate a substantial likelihood of success on the merits, irreparable injury, that the threatened injury outweighed potential harm to the defendants, and consistency with the public interest.

KEY QUOTATIONS

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

"The court may grant a preliminary injunction only if Plaintiff demonstrates each of the following prerequisites: (1) a substantial likelihood of success on the merits of the complaint; (2) irreparable injury will occur absent issuance of the injunction; (3) the threatened injury outweighs the potential damage the requested injunction may cause the non-moving parties; and (4) the injunction would not be adverse to the public interest."

FACTUAL BACKGROUND

Moss alleged that he had been denied medical care and prescribed medication and sought preliminary injunctive relief. He also sought appointment of counsel based solely on his inability to afford an attorney and moved to

subpoena medical records. The court noted that the complaint required amendment and screening, that no claims had yet been authorized to proceed, and that no scheduling order had been entered.

PROCEDURAL HISTORY

The court had previously ordered a status hearing and permitted Moss to amend his complaint. It had also granted leave to proceed in forma pauperis, construed an earlier letter as a request for a preliminary injunction, and ordered a response. The court denied the status motions as moot, denied appointment of counsel, denied the medical-records subpoena as premature, and denied preliminary injunctive relief.

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)
- Palmer v. Braun, 287 F.3d 1325, 1329 (11th Cir. 2002)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION HAROLD MOSS,)) Plaintiff,)) v.) CASE NO. 3:24-CV-770-WKW)
[WO] LEE COUNTY JUSTICE CENTER,) et al.,)) Defendants.) MEMORANDUM OPINION
AND ORDER Before the court are the following motions: Plaintiff's Motion for Status and
Motion to Appoint Counsel (Doc. # 45); Motion for Subpoena of Medical Records (Doc. # 52); an
Inquiry for Update/Status Report, construed as a motion for status (Doc. # 55); two additional
Motions for Status (Docs. # 57, 58); and a Request for a Preliminary Injunction (Doc. # 4).

Each motion will be addressed in turn. A. Plaintiff's Motions for Status Updates An order setting a
status hearing (Doc. # 59) and an order permitting Plaintiff to amend his complaint (Doc. # 60)
have been entered. As a result, Plaintiff's motions requesting updates on the status of his case
(Docs. # 45, 55, 57, 58) will be denied as moot. B. Plaintiff's Motion for Appointment of Counsel
Plaintiff's motion requesting the appointment of counsel (Doc. # 45) will be denied at this time.¹
The court will reconsider this issue at a later date if warranted by the circumstances of this case.

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. # 48), 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 “cannot afford to hire an attorney.” (Doc. # 45 at 1.) Plaintiff’s inability to afford an attorney, standing alone, is not the sort of “exceptional circumstance” that would 1 This is Plaintiff’s second motion requesting the appointment of counsel. A prior Order (Doc. # 44) denied the first motion. justify appointment of counsel at this time.

Furthermore, upon review of the record, the issues raised in Plaintiff’s complaint are not novel or unduly complex. C. Plaintiff’s Motion to Subpoena Medical Records Plaintiff has filed a motion to subpoena medical records (Doc. # 52), which is akin to a discovery motion.

However, this motion is premature for two reasons. First, as set out in a separate Memorandum Opinion and Order entered today, Plaintiff must file an amended complaint to correct the identified pleading deficiencies. This amended complaint then will be reviewed under the screening provisions of 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). If any claims in the amended complaint are allowed to proceed, the court will order the amended complaint’s service on Defendant(s).

Until a viable claim is established, discovery is premature. Second, a scheduling order has not yet been entered. This order sets deadlines and governs discovery in accordance with the Federal Rules of Civil Procedure, and discovery will not begin until its entry.

Accordingly, Plaintiff’s motion to subpoena medical records (Doc. # 52) will be denied. D. Plaintiff’s Request for a Preliminary Injunction In an earlier Order (Doc. # 5), the court construed one of Plaintiff’s letters (Doc. # 4) as containing a request for a preliminary injunction regarding claims of being denied medical care and prescribed medication and ordered counsel for the Sheriff of Lee County, Alabama, to file a response.

Having reviewed Plaintiff’s request (Doc. # 4) and the response (Doc. # 16), the court finds that preliminary injunctive relief is not warranted. The decision whether to grant a preliminary injunction is within the sound discretion of the district court. See *Palmer v. Braun*, 287 F.3d 1325, 1329 (11th Cir. 2002).

The court may grant a preliminary injunction only if Plaintiff demonstrates each of the following prerequisites: (1) a substantial likelihood of success on the merits of the complaint; (2) irreparable

injury will occur absent issuance of the injunction; (3) the threatened injury outweighs the potential damage the requested injunction may cause the non-moving parties; and (4) the injunction would not be adverse to the public interest.

See *id.* Plaintiff has not met his burden of demonstrating the four prerequisites for a preliminary injunction. At present, he has failed to show a substantial likelihood of success on the merits or that irreparable injury will occur. Additionally, he has not demonstrated that the injury outweighs potential harm to the non-moving parties. Furthermore, the specifics of the preliminary injunctive relief sought by Plaintiff are unclear, and it is uncertain whether granting such an injunction would align with the public interest.

Therefore, the request for a preliminary injunction will be denied. However, if circumstances change, Plaintiff may renew his motion. E. Conclusion Based on the foregoing, it is ORDERED as follows: (1) Plaintiff's motions for status updates (Docs. # 45, 55, 57, 58) are DENIED as moot; (2) Plaintiff's motion to appoint counsel (Doc. # 45) is DENIED at this time; (3) Plaintiff's motion to subpoena medical records (Doc. # 52) is DENIED; and (4) Plaintiff's request for a preliminary injunction (Doc. # 4) is DENIED.

DONE this 17th day of December, 2025. /s/ W. Keith Watkins UNITED STATES DISTRICT JUDGE