

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Jason J. Allen v. Sarah Huskins, et al.

No. 4:25-cv-12143, United States District Court for the Eastern District of Michigan, Southern Division
(December 8, 2025)

SUMMARY

The United States District Court for the Eastern District of Michigan denies Jason J. Allen’s third motion for appointment of counsel in his prisoner civil rights action concerning the alleged denial of Kosher meals at the Saginaw County Jail. The court concludes that the case remains at an early stage and that Allen has not shown exceptional circumstances warranting appointment of counsel, denying the motion without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Patricia T. Morris
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	December 8, 2025
DOCKET	4:25-cv-12143
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a prisoner proceeding in a civil rights action under 42 U.S.C. § 1983, filed his third motion for appointment of counsel. The district court denied the motion without prejudice.
STANDARD OF REVIEW	Appointment of counsel is committed to the district court's discretion and is reviewed for abuse of discretion; denial is improper only when it impinges fundamental due process rights and constitutes an abuse of discretion.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Jason J. Allen v. Sarah Huskins, et al.

TOPICS

civil procedure

prisoners rights

civil rights

section 1983

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether exceptional circumstances justified appointing counsel for Allen in his prisoner civil rights action.
2. Whether Allen's indigency, imprisonment, limited access to jail resources, limited legal understanding, and asserted complexity of the case warranted appointment of counsel at that stage.

HOLDINGS

1. A federal district court may request counsel for an indigent civil litigant under 28 U.S.C. § 1915(e)(1), but appointment is justified only in exceptional circumstances, evaluated by considering the nature of the case, the complexity of the factual and legal issues, and the plaintiff's ability to represent himself or herself.
2. Indigency, imprisonment, the general benefit of legal expertise, and ordinary limitations faced by pro se prisoners do not, without more, constitute exceptional circumstances requiring appointment of counsel.

KEY QUOTATIONS

“The appointment of counsel is only justified by exceptional circumstances.” (II)

“Outside of the most exceptional cases, courts generally do not appoint counsel until after motions to dismiss or for summary judgment are decided.” (III)

“For these reasons, Allen’s motion to appoint counsel (ECF No. 22) is DENIED WITHOUT PREJUDICE.” (IV)

FACTUAL BACKGROUND

Jason J. Allen is incarcerated at the Saginaw County Jail and brings a § 1983 action alleging that defendants refused to serve him Kosher meals. He sought appointed counsel for the third time, citing indigency, imprisonment, limited access to jail resources and the law library, limited legal understanding, and the complexity of the issues. The case remained at an early stage, with two defendants having answered and two defendants still unserved.

PROCEDURAL HISTORY

Allen alleges that defendants at the Saginaw County Jail refused to serve him Kosher meals. The court previously denied two motions for appointment of counsel, finding the case was at an early stage, the issues were not complex, and Allen was capable of expressing himself in writing. At the time of the present motion, two defendants had answered and two defendants remained unserved.

DISPOSITION

other

CASES CITED

- Lanier v. Bryant, 332 F.3d 999, 1006 (6th Cir. 2003)
- Abdur-Rahman v. Michigan Dep't of Corr., 65 F.3d 489, 492 (6th Cir. 1995)
- Reneer v. Sewell, 975 F.2d 258, 261 (6th Cir. 1992)
- Richmond v. Settles, 450 F. App'x 448, 452 (6th Cir. 2011)
- Lavado v. Keohane, 992 F.2d 601, 605–06 (6th Cir. 1993)
- Shavers v. Bergh, 516 F. App'x 568, 571 (6th Cir. 2013)
- Garrison v. Michigan Dep't of Corr., 333 F. App'x 914, 917–18 (6th Cir. 2009)
- Kensu v. Rapelje, No. 12-11877, 2014 WL 585328, at *2 (E.D. Mich. Feb. 14, 2014)
- Cleary v. Mukasey, 307 F. App'x 963, 965 (6th Cir. 2009)
- Griffin v. Klee, No. 2:14-CV-14290, 2015 WL 3407919, at *1 (E.D. Mich. May 27, 2015)
- Sigers v. Bailey, No. 08-13298, 2009 WL 1617862, at *1 (E.D. Mich. June 9, 2009)
- Burns v. Brewer, No. CV 18-10937, 2019 WL 13368510, at *1 (E.D. Mich. Apr. 10, 2019)
- Harrison v. Oliver, No. 23-cv-10655, 2023 WL 5489024, at *3 (E.D. Mich. Aug. 24, 2023)
- Harrison v. Oliver, 2023 WL 6973867 (E.D. Mich. Oct. 23, 2023)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION JASON J. ALLEN, Case No. 4:25-cv-12143 Plaintiff, F. Kay Behm United States District Judge v. Patricia T. Morris SARAH HUSKINS, et al., United States Magistrate Judge Defendants. / ORDER DENYING PLAINTIFF’S MOTION FOR APPOINTMENT OF COUNSEL (ECF No. 22) I. Introduction This is a prisoner civil rights case.

Plaintiff Jason J. Allen brings claims under 42 U.S.C. § 1983 for violations of his constitutional rights, alleging Defendants at the Saginaw County Jail refuse to serve him Kosher meals. (ECF No. 16, PageID.60). Before the Court is Allen’s third motion for the appointment of counsel. (ECF No. 22).

For the reasons explained below, the motion will be DENIED WITHOUT PREJUDICE. II. Legal Standard Although federal district courts have discretion under 28 U.S.C. § 1915(e)(1) to “request an attorney to represent any person unable to afford counsel,” there is no constitutional right to court-appointed counsel in a civil case. Lanier v. Bryant, 332 F.3d 999, 1006 (6th Cir.

2003); Abdur-Rahman v. Michigan Dep’t of Corr., 65 F.3d 489, 492 (6th Cir. 1995). The decision rests in the district court’s discretion and will be overturned only if it impinges fundamental due

process rights and amounts to an abuse of discretion. *Reneer v. Sewell*, 975 F.2d 258, 261 (6th Cir. 1992); see also *Richmond v. Settles*, 450 F. App'x 448, 452 (6th Cir.

2011). The appointment of counsel is only justified by exceptional circumstances. *Lavado v. Keohane*, 992 F.2d 601, 605–06 (6th Cir. 1993). In determining whether exceptional circumstances are present, a court must consider the “nature of the case,” the complexity of the factual and legal issues involved, and the plaintiff’s ability to represent themselves. *Id.* at 606; see also *Shavers v. Bergh*, 516 F. App'x 568, 571 (6th Cir.

2013); *Garrison v. Michigan Dep't of Corr.*, 333 F. App'x 914, 917–18 (6th Cir. 2009). The complexity of the case and the plaintiff’s ability to handle it are “separate and distinct considerations.” *Kensu v. Rapelje*, No. 12-11877, 2014 WL 585328, at *2 (E.D. Mich. Feb. 14, 2014).

For example, the plaintiff’s prior pro se experience is relevant to their ability to manage their current cases. *Id.* Additionally, a court may also decline to appoint counsel where a case has not progressed far enough to assess its merits. See, e.g., *Cleary v. Mukasey*, 307 F. App'x 963, 965 (6th Cir. 2009) (upholding denial where the magistrate judge thought “it was too early to assess the merits of the claim”).

III. Analysis This is Allen’s third motion to appoint counsel. (See ECF Nos. 4, 11). In this Court’s prior order denying the appointment of counsel, it explained that [t]his case is at an early stage and Plaintiff’s filings to date demonstrate that he is capable of expressing himself in writing to the Court. Furthermore, the Court does not find the factual or legal issues complex, and Plaintiff has not articulated any exceptional circumstances that would justify appointing counsel so early in the case.

(ECF No. 14, PageID.53–54). This remains true. Since the Court last denied the appointment of counsel, two Defendants have filed an answer and two remain unserved. The case remains at an early stage. Outside of the most exceptional cases, courts generally do not appoint counsel until after motions to dismiss or for summary judgment are decided. See *Griffin v. Klee*, No. 2:14-CV-14290, 2015 WL 3407919, at *1 (E.D.

Mich. May 27, 2015); *Sigers v. Bailey*, No. 08-13298, 2009 WL 1617862, at *1 (E.D. Mich. June 9, 2009). “In keeping with this policy, this Court almost always denies motions for appointment of counsel until after dispositive motions are decided.” *Burns v. Brewer*, No. CV 18-10937, 2019 WL 13368510, at *1 (E.D. Mich. Apr. 10, 2019). Allen alleges he has limited access to items or the library in jail, is indigent, the issues are complex, has been unsuccessful in prior attempts to obtain counsel, and has a limited understanding of legal issues and procedure.

(ECF No. 22). “Factors such as indigency, imprisonment, and that the expertise of an attorney would help a plaintiff litigate the case apply to nearly every pro se prisoner proceeding in forma

pauperis, and do not constitute extraordinary circumstances.” Harrison v. Oliver, No. 23-cv-10655, 2023 WL 5489024, at *3 (E.D. Mich. Aug. 24, 2023) (citation modified), aff’d, 2023 WL 6973867 (E.D.

Mich. Oct. 23, 2023). Allen has not shown any exceptional circumstances warranting appointment of counsel at this time. IV. Conclusion For these reasons, Allen’s motion to appoint counsel (ECF No. 22) is DENIED WITHOUT PREJUDICE. IT IS SO ORDERED. Date: December 8, 2025
S/patricia t. morriS Patricia T. Morris United States Magistrate Judge