

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

RANDY A. SCOTT,

Plaintiff,

v.

Case No: 2:13-cv-157-Ftm-99DNF

LAWRENCE NORMAN YELLON, BOB  
MUSSER, H. ERIC VENNES, LANCE  
RANDALL, RONALD R. EZELL,  
STEVEN D. GLENN, JILLINA A.  
KWIATKOWSKI, RUTH A. REYNOLDS,  
GARY CROWE, NATIONAL  
ASSOCIATION OF PROFESSIONAL  
PROCESS SERVERS, PAUL  
TAMAROFF, FLORIDA ASSOCIATION  
OF PROFESSIONAL PROCESS  
SERVERS and JOHN AND/OR JANE DOE  
1-3,

Defendants.

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**ORDER**

This cause is before the Court on Randy A. Scott's Motion for the Appointment of Counsel (Doc. 12) filed on March 19, 2013, and Motion for Pro Se Plaintiff's Access to CM/ECF (Doc. 11) filed on March 19, 2013.

The Plaintiff is requesting that the Court appoint counsel to represent him in this matter. There is no constitutional right to appointment of counsel in civil actions. *Lassiter v. Dept. of Social Services*, 452 U.S. 18, 25 (1981). *See also, Bass v. Perrin*, 170 F.3d 1312, 1320 (11<sup>th</sup> Cir. 1999) (stating "[a] plaintiff in a civil case has no constitutional right to counsel."). Rather, it is a "privilege" and 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." *Carrol v. Correctional Medical Services*, 160 Fed. App'x 848, 849 (11<sup>th</sup> Cir. 2005) (quoting *Fowler v.*

*Jones*, 899 F.2d 1088, 1096 (11<sup>th</sup> Cir. 1990)). “The key is whether the *pro se* litigant needs help in presenting the essential merits of his or her position to the court. Where the facts and issues are simple, he or she usually will not need such help.” *McDaniel v. Lee*, 405 Fed. App’x 456, 457 (11<sup>th</sup> Cir. 2010) (quoting *Kilo v. Ricks*, 983 F.2d 189, 193 (11<sup>th</sup> Cir. 1993)). In the instant case, the Court finds no exceptional circumstances warranting the appointment of counsel. The Court has considered the type and nature of the case, its complexity, and the Plaintiff’s ability to prosecute his claim. This is not a factually complex case and does not raise any new or novel issues or facts. Therefore, the Court will not appoint counsel at this time.

The Plaintiff also requests access to the Court’s electronic filing system, CM/ECF. The Plaintiff is concerned that he will not be receiving orders in a timely manner from regular postal delivery and would like to receive them electronically when filed. The Court is aware that its orders are being mailed to the Plaintiff and will allow for additional mailing time for responses as permitted in Federal Rule of Civil Procedure 6(d) which allows an additional 3 days for mailing. Absent extraordinary circumstances the Court is not inclined to allow the Plaintiff to receive electronic notification.

**IT IS HEREBY ORDERED:**

- 1) Motion for the Appointment of Counsel (Doc. 12) is **DENIED**.
- 2) Motion for Pro Se Plaintiff’s Access to CM/ECF (Doc. 11) is **DENIED**.

**DONE** and **ORDERED** in Fort Myers, Florida on April 10, 2013.

  
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DOUGLAS N. FRAZIER  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties