IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Terrance McCall	) Civil Action No.: 4:11-1324-MGL
	)
Plaintiff,	)
	)
vs.	) **OPINION AND ORDER**
	)
Deputy Jeff Strickland,	)
	)
Defendant.	)

The law is clear that there is no right to appointed counsel in §1983 cases. Hardwick v. Ault, 517 F.2d 295 (5th Cir. 1975). However, the court is granted the power to exercise its discretion to appoint counsel for an indigent in a civil action. 28 U.S.C. §1915(d); Smith v. Blackledge, 451 F .2d 1201 (4th Cir. 1971). When exercising its discretion to appoint counsel in a civil action, the appointment "should be allowed only in exceptional cases." Cooks v. Bounds, 518 F .2d 779, 780 (4th Cir. 1975).

After a review of the pleadings and record in this case, this court has determined that there are exceptional circumstances which justify the appointment of counsel. The plaintiff, acting pro se, has alleged that the defendants violated his constitutional rights.

As the Defendant's motion for summary judgment has been denied in part, the case should proceed to trial. The plaintiff has no legal training and limited resources with which to prepare for trial. Under these circumstances, appointment of counsel is justified. See Whisenant v Yuam, 739 F .2d 160, 163 (4th Cir. 1984).

Accordingly, the court appoints Burl F. Williams, Esq., to represent the plaintiff in this matter. Mr. Williams is ordered to contact his client as soon as possible, who is currently incarcerated at the Tyger River Correctional Institution. The Clerk of Court's

Office is directed to produce and any all documents on file with their office to Mr. Williams.

Counsel for the Defendants and appointed counsel for the plaintiff are instructed to confer

regarding submitting a joint consent scheduling order to the Court.

     IT IS SO ORDERED.

                    s/Mary G. Lewis
                    United States District Judge

Spartanburg, South Carolina

July 13, 2012