

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-1990  
Conference Calendar

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EDWARD ALLEN MOORE,

Plaintiff-Appellant,

versus

STEPHEN LEA ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:92-CV-294-K  
- - - - -

May 7, 1993

Before REAVLEY, KING, and DAVIS, Circuit Judges.

PER CURIAM:\*

Edward Allen Moore filed a pro se, in forma pauperis (IFP) complaint under 42 U.S.C § 1983 for an alleged conspiracy to arrest and prosecute him on a false arson charge. Moore filed a motion for appointment of counsel. The district court denied this motion noting that "[n]o complex issues of law are involved in this case and trial will be a relatively simple matter of putting on evidence to support each party's version of the incident made the basis of this suit."

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Orders denying appointment of counsel to IFP litigants in § 1983 suits are appealable as interlocutory orders. Robbins v. Maggio, 750 F.2d 405, 409-13 (5th Cir. 1985). A district court's ruling in such a case is reviewed for abuse of discretion. Jackson v. Dallas Police Dept., 811 F.2d 260, 261 (5th Cir. 1986).

In deciding whether an appointment of counsel would advance the proper administration of justice, a district court should consider the type and complexity of the case; whether the indigent is capable of adequately presenting the case; whether the indigent is in the position to investigate adequately the case; and whether the evidence would consist in large part of conflicting testimony requiring skill in the presentation of evidence in a cross-examination. Ulmer v. Chancellor, 691 F.2d 209, 213 (5th Cir. 1982). In Jackson, the Court encouraged district courts to make specific factual findings on each of the factors, but upheld the denial of appointment of counsel without such specific factual findings "due to the clarity of the record" on appeal. 811 F.2d at 262. In this case, the record is clear that the district court did not abuse its discretion in denying Moore appointed counsel. Moore has not demonstrated that the case is complex beyond his abilities to either investigate it or present it to the courts. As a result, there are no exceptional circumstances requiring appointment of counsel in this civil case. See Richardson v. Henry, 902 F.2d 414, 417 (5th Cir. 1990), cert. denied, 111 S.Ct. 789 (1991).

AFFIRMED.