

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1519
Conference Calendar

ROGER LYNN HILL,

Plaintiff-Appellant,

versus

LESLIE WOODS, Warden,
Price Daniel Unit, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:93-CV-104
- - - - -
August 19, 1993

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

The denial of counsel is an appealable interlocutory order. See Robbins v. Maggio, 750 F.2d 405, 409-13 (5th Cir. 1985). The denial of a request for appointment of counsel is reviewed for an abuse of discretion. See id. at 413.

A civil rights complainant has no right to automatic appointment of counsel. Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982). The district court is not required to appoint counsel for such a complainant unless the case presents

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

exceptional circumstances. Id. The following factors should be considered when ruling on a request for appointment of counsel: 1) the type and complexity of the case; 2) the ability of the indigent to adequately present his case; 3) the ability of the indigent to adequately investigate his case; and 4) whether the evidence will consist in large part of conflicting testimony so as to require skill in the presentation of evidence and in cross-examination. Id. at 213.

Although Hill argues to the contrary, an examination of the record shows that his case is not sufficiently complex to warrant the appointment of counsel. Hill has not shown that he cannot adequately investigate crucial facts and his pleadings demonstrate that he is capable of adequately presenting his case. Thus, Hill has failed to show an abuse of discretion by the district court.

AFFIRMED.