

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 94-20506

(Summary Calendar)

ROY ANTHONY HUNT,

Plaintiff-Appellant,

versus

HARRIS COUNTY SHERIFF'S DEPARTMENT,

Defendant-Appellee.

Appeal from the United States District Court
For the Southern District of Texas
(CA-H-93-3987)

(October 24, 1994)

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

Ray Anthony Hunt sued the Harris County Sheriff's Department ("Department") under 42 U.S.C. § 1983 (1988), alleging that the Department denied him adequate medical treatment after a fight with another inmate left him with a punctured eardrum. After filing suit, Hunt filed a motion for appointment of counsel.¹ The

* Local Rule 47.5.1 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

¹ 28 U.S.C. § 1915(d) (1988) provides for the appointment of counsel for indigent parties in civil cases.

district court denied Hunt's motion, and Hunt appeals.

A ruling on a motion for appointment of counsel is immediately appealable under 28 U.S.C. § 1291 (1988). *Jackson v. Dallas Police Dep't*, 811 F.2d 260, 261 (5th Cir. 1986); *Robbins v. Maggio*, 750 F.2d 405, 413 (5th Cir. 1985). We review these rulings for abuse of discretion. *Jackson*, 811 F.2d at 261; *Robbins*, 750 F.2d at 413.

If the district court does not explain its decision to deny a motion for appointment of counsel, we cannot determine if the district court properly exercised its discretion. *Robbins*, 750 F.2d at 413 (remanding to the district court because appellate court could not determine if denial of motion was reasoned and well-informed). A district court should make specific findings setting forth the factors considered in making the determination and how those factors informed the district court's decision. See *Jackson*, 811 F.2d at 262 ("The failure to issue findings frustrates appellate review and cannot ordinarily be accepted.").²

In Hunt's case, the district court neither explained its decision nor provided specific findings as to the factors that controlled its decision. Consequently, we have no basis upon which to review the district court's exercise of its discretion. We

² Factors typically considered include:
(1) the type and complexity of the case; (2) whether the indigent is capable of adequately presenting his case; (3) whether the indigent is in a position to investigate adequately the 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.

Ulmer v. Chancellor, 691 F.2d 209, 213 (5th Cir. 1982). The district court may also consider whether counsel would sharpen the issues, shorten the trial, or assist in a just determination. *Id.*

therefore VACATE the district court's denial of Hunt's motion for appointment of counsel and REMAND so that the district court may specifically explain its ruling.