

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40704
Conference Calendar

SHANE EDWARD BISHOP,

Plaintiff-Appellant,

versus

JEFF HENSLEY, et al.,

Defendants,

DOUG LEE, Denton County Detention Officer,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:94-CV-98
- - - - -

April 19, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Shane Edward Bishop has appealed the district court's denial of his motion for appointment of counsel. An interlocutory order denying the appointment of counsel in a civil rights action may be immediately appealed. Robbins v. Maggio, 750 F.2d 405, 413 (5th Cir. 1985). A trial court is not required to appoint counsel for an indigent plaintiff asserting a claim under 42

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

U.S.C. § 1983 unless exceptional circumstances exist. Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982). A district court has the discretion to appoint counsel for a plaintiff proceeding pro se if doing so would advance the proper administration of justice. Id. at 213.

A review of the district court's order, which reveals that it considered the four Ulmer factors, as well as of the record on appeal and Bishop's brief, demonstrates that the court did not abuse its discretion by refusing to appoint counsel for Bishop in this case.

Bishop has also moved for the appointment of counsel in this appeal. Because the issues presented in this appeal are limited to the denial of Bishop's appointment-of-counsel motion in the district court, appointment of counsel is not warranted in this appeal. He has also filed motions to strike the appellee's response brief and to file a reply brief out of time. Neither motion has any bearing on the issues before the court.

AFFIRMED.

MOTIONS DENIED.