

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40323
Conference Calendar

JOSEPH HOWARD STEWART, III,

Plaintiff-Appellant,

versus

D. COX, Correctional Officer 3;
J. L. WARREN, Captain; UNKNOWN PERSON DOES,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:97-CV-291

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Joseph Howard Stewart, III, TDCJ #602302, appeals the magistrate judge's denial of his motion for appointment of counsel in his 42 U.S.C. § 1983 action. Stewart argues that he previously had the assistance of an inmate and now he lacks that assistance. Stewart also argues that it would be unfair to require him to proceed pro se against two professional attorneys, that he lacks the mental faculties to present the case, and that he is unable to respond to the two motions for summary judgment because he is unschooled in the law.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Stewart has not demonstrated an exceptional circumstance warranting the appointment of an attorney because the case represents a typical use of force claim, the facts are not complex, Stewart has demonstrated that he has a grasp of the legal issues, and Stewart has already responded to one motion for summary judgment. See Norton v. Dimazana, 122 F.3d 286, 293 (5th Cir. 1997). Accordingly, the magistrate judge did not abuse his discretion in denying the motion for appointment of counsel, and the order of the magistrate judge is AFFIRMED.