



Kalichenko v. Barnes et al

2021 | Cited 0 times | D. Minnesota | January 29, 2021

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Olena Kalichenko, Plaintiff, v. Nanette Barnes, Former Warden FCI Waseca; Honken, Chaplain FCI Waseca; SIS Department, FCI Waseca; and DOJ Washington, Defendants.

Civ. No. 20-1646 (WMW/BRT)

ORDER

The Court is in receipt of Plaintiff Olena Kalichenko's letter (Doc. No. 34), which it construed as a motion to amend and a motion to appoint counsel (Doc. No. 35). Defendants met and conferred with Plaintiff and have now filed their response. (Doc. No. 36.) Based on these submissions, IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion to amend (Doc. No. 34) is GRANTED. Plaintiff should file her amended complaint no later than February 26, 2021. Pursuant to Local Rule 15.1(a), Plaintiff should ensure that her amended complaint is complete in itself and does not incorporate by reference her prior pleading;
2. The served Defendants' answer or response to Plaintiff's amended complaint is due 60 days from the date of the amended complaint's filing;
3. Any Defendants who have not been served as of the date of this Order must answer or respond to Plaintiff's amended complaint pursuant to Fed. R. Civ. P. 12(a);

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4. If Plaintiff does not file an amended complaint, the served defendants' answer remains due on March 22, 2021; and 5. Plaintiff's motion to appoint counsel (Doc. No. 34) is DENIED . "A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998) (citing *Wiggins v. Sargent*, 753 F.2d 663, 668 (8th Cir. 1985)); see also *In re Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986) ("The decision to appoint counsel in civil cases is committed to the discretion of the district court.") (citing *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984)). Review of the record suggests this case is not significantly more



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complicated than other pro se prisoner litigation filed in this Court. Given this, appointment of counsel does not appear warranted at this time.

Dated: January 29, 2020

s/ Becky R. Thorson BECKY R. THORSON United States Magistrate Judge CASE
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