

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF DELAWARE**

KENDALL M. SMITH III,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 25-650-GBW
	)	
C/O KIRK NEAL, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

At Wilmington, this 18th day of August 2025, having reviewed and considered *pro se* Plaintiff Kendall M. Smith III's motion to appoint counsel (D.I. 4), motion to compel (D.I. 7), motion for trial scheduling order (D.I. 8), and motion for extension of time to complete discovery (D.I. 17);

IT IS HEREBY ORDERED:

1. Plaintiff's motion to appoint counsel (D.I. 4) is **DENIED** without prejudice to renew at a later stage of this case;<sup>1</sup>

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<sup>1</sup> Plaintiff's motion does not show a likelihood of substantial prejudice, warranting exercise of this Court's discretionary power to appoint counsel. *See* 28 U.S.C. § 1915(e)(1); *Brightwell v. Lehman*, 637 F.3d 187, 192 (3d Cir. 2011). This case does not involve complex legal issues, and Plaintiff has demonstrated sufficient ability to self-represent thus far. Considering all factors relevant to this stage of the case, this Court declines to appoint Plaintiff counsel at this time. *See Montgomery v. Pinchak*, 294 F.3d 492, 499 (3d Cir. 2002); *Tabron v. Grace*, 6 F.3d 147, 155-57 (3d Cir. 1993)).

2. Plaintiff's motion to compel (D.I. 7) is **DISMISSED** as premature without prejudice to Plaintiff seeking evidentiary materials of relevance to this case by way of discovery requests;

3. Plaintiff's motion for trial scheduling order (D.I. 8) is **DENIED** as moot because a scheduling order has been issued (*see* D.I. 19); and

4. Plaintiff's motion for extension of time to complete discovery (D.I. 17) is **DENIED** as premature without prejudice to renew at a later time if needed.



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The Honorable Gregory B. Williams  
United States District Judge