

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 24-2185

BRAHIM BOUMAKH,**Plaintiff - Appellant,****v.****DR. MICHELLE REID, Superintendent; JOHN R. LEWIS HIGH SCHOOL,****Defendants - Appellees.**

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Rossie David Alston, Jr., District Judge. (1:24-cv-01098-RDA-LRV)

Submitted: April 10, 2025**Decided: April 14, 2025**

Before WILKINSON and RUSHING, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Brahim Boumakh, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brahim Boumakh appeals the district court's order dismissing his civil complaint for failure to comply with court orders or serve the complaint and denying his request that the district court judge recuse himself. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *Boumakh v. Reid*, No. 1:24-cv-01098-RDA-LRV (E.D. Va., Oct. 24, 2024). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

BRAHIM BOUMAKH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:24-cv-1098 (RDA/LRV)
)	
JOHN R. LEWIS HIGH SCHOOL, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter comes before the Court on Plaintiff's Motion.¹ Dkt. 10. Plaintiff filed a Complaint against John R. Lewis High School as well as a number of other individual defendants. In an Order, the Court denied without prejudice Plaintiff's motion to proceed *in forma pauperis* and, pursuant to 28 U.S.C. § 1915(e), dismissed the Complaint for failing to state any claim for relief. Dkt. 5. The Court permitted Plaintiff to amend his motion to proceed *in forma pauperis* and to amend his Complaint on or before July 22, 2024. *Id.* The Court also warned Plaintiff that failure to do so may result in dismissal. Rather than amend, Plaintiff paid the filing fee and filed a motion to recuse. Dkt. 7. The Court denied the motion to recuse and again warned Plaintiff that a failure to comply with the Court's July 22 Order could result in dismissal. Dkt. 9. The Court also set a deadline of September 23, 2024 for Plaintiff to serve Defendants in this matter. *Id.*

Since the Order denying the motion recuse, Plaintiff has not filed an amended complaint nor any affidavit of service. Plaintiff now asserts that he has been hospitalized and suffering from medical conditions that have prevented him from complying with this Court's prior Orders. Dkt.

¹ Plaintiff styled his Motion as a "Motion of Continuance." The Court construes the Motion as a motion for a continuance or extension of time.

10. Plaintiff seeks an extension of time but does not specify the amount of time sought. Based on Plaintiff's representations, the Court will extend his deadline to comply with the July 23, 2024 Order (Dkt. 9) until **Wednesday, October 16, 2024**.

In his Motion, Plaintiff also seeks appointment of counsel. Dkt. 10. The Fourth Circuit and district judges in this District have recognized that counsel should only be appointed in "exceptional" civil cases. *Cook v. Bounds*, 518 F.2d 779, 780 (4th Cir. 1975); *Etheridge v. Foremost Ins. Co.*, 2023 WL 8539486 (E.D. Va. June 16, 2023). In determining whether exceptional circumstances exist, courts consider the merits and complexity of a party's case and the ability of the party to present his claims. *Goodman v. Johnson*, 524 F. App'x 887, 891 (4th Cir. 2013). Here, Plaintiff has not presented any such exceptional circumstances.

Accordingly, for the reasons set forth above, it is hereby ORDERED that Plaintiff's motion (Dkt. 10) is GRANTED IN PART and DENIED IN PART. The Motion is granted insofar as it seeks an extension of time and denied insofar as it seeks appointment of counsel; and it is


FURTHER ORDERED that Plaintiff's deadline to respond to the Court's prior Orders and to serve Defendants is extended to **October 16, 2024**; and it is

FURTHER ORDERED that Plaintiff is hereby WARNED that Plaintiff's case may be dismissed pursuant to Federal Rule of Civil Procedure 41 if Plaintiff continues to fail to comply with this Court's Orders directing Plaintiff to file an Amended Complaint setting forth a chronological, plain statement of the facts in compliance with Federal Rules of Civil Procedure 8 and 9; and it is

FURTHER ORDERED that Plaintiff is hereby WARNED that, if Plaintiff fails to serve Defendants with a copy of a Summons and an Amended Complaint in compliance with this Order, the Plaintiff's case may be dismissed pursuant to Rule 4(m).

IT IS SO ORDERED.

Alexandria, Virginia
September 26, 2024

/s/ 

Rossie D. Alston, Jr.
United States District Judge

**Additional material
from this filing is
available in the
Clerk's Office.**