

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-01800-LTB-CBS

CLINTON TEAGUE,
Plaintiff,

v.

P. LEE, Correctional Officer, and
J. GUADIAN, Correctional Officer,
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Mr. Teague's "Motion for Reconsideration/Request for the Appointment of Counsel" (filed March 19, 2009) (doc. # 159). Pursuant to the Order of Reference dated February 23, 2007 (doc. # 29) and the memorandum dated March 23, 2009 (doc. # 160), this matter was referred to the Magistrate Judge. The court has reviewed the Motion, the entire case file, and the applicable law and is sufficiently advised in the premises.

Discovery in this civil action is closed, the dispositive motions deadline has passed and no dispositive motions are pending. The action is proceeding on a single claim against two Defendants for an Eighth Amendment violation by use of excessive force on July 11, 2005. This civil action is now postured for the setting of a Final Pretrial Conference and a trial date. A telephone status conference is currently set on May 8, 2009 at 9:30 a.m. While indigent civil litigants have no constitutional or statutory right to be represented by a lawyer, *Merritt v. Faulkner*,

697 F.2d 761, 763 (7th Cir. 1983), in its discretion the court “may request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1). The court may request legal counsel for Mr. Teague by placing this case on the list of cases for which counsel may choose to volunteer.

Accordingly, the court requests that the Clerk of the Court place this case on the list of cases for which counsel may choose to volunteer. Mr. Teague is reminded that this Order does not guarantee that a lawyer will volunteer to represent him. Mr. Teague must continue to proceed *pro se* as necessary.

DATED at Denver, Colorado, this 8th day of April, 2009.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge