

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00649-LTB-MEH

DAVID EARL ANTELOPE,

Plaintiff,

v.

DR. KELLAR, and  
UNITED STATES OF AMERICA,

Defendants.

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**ORDER**

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**Michael E. Hegarty, United States Magistrate Judge.**

Plaintiff's Motion to Reconsider Motion for Appointment of Counsel [filed August 23, 2010; docket #154] is **granted**. In light of the Court's discussion with Plaintiff on the record at a status conference held April 5, 2010 (docket #149), the Court reconsiders its previous denial of Plaintiff's request for appointment of counsel.

The Court does not have the power to appoint an attorney over his or her objection, *Mallard v. United States District Court for the Southern Dist. of Iowa*, 490 U.S. 296, 310 (1989), nor does the Court have funds available to pay an attorney who agrees to represent an indigent litigant in a civil case. Absent the power to appoint counsel to a case, the Court can only seek volunteer counsel to represent a plaintiff such as this Plaintiff.

Plaintiff's request is **granted** to the extent Plaintiff's case will be placed on the list of *pro se* cases for which the Court is seeking volunteer counsel maintained by the CJA/Pro Se Division of the Clerk's Office, but **denied** in that counsel will not be appointed by the Court.

Dated at Denver, Colorado, this 25th day of August, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large initial 'M' and 'H'.

Michael E. Hegarty  
United States Magistrate Judge