

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-02928-PAB-BNB

NICHOLAS E. SOUDERS,

Plaintiff,

v.

CORRECTIONS CORPORATION OF AMERICA,  
JOHN FERGUSON, Owner,  
HOYT BRILL, Warden

Defendants.

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**ORDER**

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This matter arises on the following motions filed by the plaintiff on February 12, 2010:

1. **Motion for the Appointment of Counsel** [Doc. # 11]; and
2. **Motion to Amend Previous Filing and Motion for Extension of Time** [Doc. #12]

(the “Motion to Amend”). The Motions are DENIED.

The plaintiff seeks appointment of counsel to represent him in this matter. The court has broad discretion in determining whether to appoint counsel in a civil case. DiCesare b. Stuart, 12 F.3d 973, 979 (10<sup>th</sup> Cir. 1993). In deciding whether to appoint counsel, the following factors are considered: (1) the merits of the litigant’s claims, (2) the nature of the factual issues raised in the claims, (3) the litigant’s ability to present his claims, and (4) the complexity of legal issues raised by the claims. Rucks v. Boergermann, 57 F.3d 978, 979 (10<sup>th</sup> Cir. 1995).

Here, the plaintiff’s Complaint amply presents his claims. The factual and legal issues raised by plaintiff’s claims are not complex. The plaintiff appears to be presenting his case

adequately. Accordingly, the plaintiff's Motion for Appointment of Counsel is DENIED.

In his Motion to Amend, the plaintiff "requests this Honorable Court to grant motion for 30 day extension of time and motion to amend previous filing for 09CV02928." The defendants removed this case from the Kit Carson District Court on December 14, 2009. The plaintiff has not filed any papers with this court prior to filing the instant motions. Therefore, it is unclear what filing the plaintiff seeks to amend.

A motion must "state with particularity the grounds for seeking the order" and "state the relief sought." Fed.R.Civ.P. 7(b)(1)(B) and (C). It is impossible to determine what relief is sought by the plaintiff. The Motion to Amend is DENIED. Accordingly,

IT IS ORDERED that Motion for Appointment of Counsel is DENIED.

IT IS FURTHER ORDERED that the Motion to Amend is DENIED.

Dated February 23, 2010.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge