

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01628-MSK-MJW

JOSEPH M. FLOREZ, IV,

Plaintiff,

v.

LT. MICK McCORMAC, Intel Investigator, Buena Vista Correctional Facility, and
C.O. TIMOTHY EDMONDS, Corrections Officer, Buena Vista Correctional Facility,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that the plaintiff's Motion for Appointment of Counsel (**Docket No. 23**) is **denied without prejudice**. Counsel cannot be appointed and paid pursuant to 28 U.S.C. § 1915(e)(1), but the court has broad discretion to direct the Clerk of Court to attempt to obtain volunteer counsel for a party in a civil case. See Murphy v. Colorado Dept. of Corrections, 2009 WL 2959205 (D. Colo. Sept. 10, 2009) (citing DiCesare v. Stuart, 12 F.3d 973, 979 (10th Cir. 1993)). When making such a decision, the court "should consider a variety of factors, including the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims." Long v. Shillinger, 927 F.2d 525, 527 (10th Cir. 1991). Having considered the current record in this case, the court finds that, even assuming the plaintiff has a colorable claim, he currently appears to be able to present his case adequately. The factual and legal issues raised are not so numerous or complex that the plaintiff is unable to present his case adequately at this stage of the litigation.

It is further **ORDERED** that the plaintiff's Motion Requesting Issue of Subpoena for Plaintiff's Evidence in This Matter (**Docket No. 26**) is **denied as premature**.

Date: October 5, 2010
