

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01756-DME-MJW

MARCUS LELAND FREEMAN,

Plaintiff,

v.

WOOLSTON, Vocational Instructor, and  
LIKEN, Education Department,

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. 10) 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 (10<sup>th</sup> 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 (10<sup>th</sup> 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 early stage of the litigation.

It is further ORDERED that the plaintiff's letter motion requesting to have the summons issued on all parties/defendants (Docket No. 17) is denied as moot. On September 9, 2011, Judge Ebel issued an Order Granting Service by United States Marshal (Docket No. 16).

Date: September 19, 2011

---