

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02337-REB-MJW

TYRON DUANTE SMALL,

Plaintiff(s),

v.

JOHN DOE DETECTIVE ONE, and
JOHN DOE OFFICER TWO,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that the plaintiff's Request for court appointed counsel for plaintiff (Docket No. 44) 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It is further ORDERED that the plaintiff's Requested copy of plaintiff withdrawn summary judgement (Docket No. 46) is granted to the extent that the Clerk of Court will provide the plaintiff with a copy of his withdrawn motion for summary judgment (Docket No. 30) if plaintiff remits payment for such copy. The Fee Schedule for this court requires payment in the amount of \$.50 per page. The plaintiff's withdrawn motion for summary judgment (Docket No. 30), including exhibits, is 24 pages long. Therefore, plaintiff must submit payment in the amount of \$12.00 to the Clerk of Court in order to obtain a copy of his withdrawn motion (Docket No. 30).

Date: June 1, 2012
