

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02953-BNB

LEROY BUHL,

Applicant,

v.

D. BERKEBILE, Warden,

Respondent.

ORDER

This matter is before the court on three motions filed by Applicant, Leroy Buhl, on November 19, 2012. Mr. Buhl initiated this action by filing *pro se* on November 9, 2012, an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (ECF No. 1) challenging a prison disciplinary conviction. On November 15, 2012, the court entered an order directing Respondent to file a Preliminary Response limited to addressing the affirmative defense of exhaustion of administrative remedies if Respondent intends to raise that affirmative defense in this action. Respondent has not yet filed a Preliminary Response.

The three motions now pending before the court are a “Motion to Expand the Record to Include All Formal Requests, Administrative Remedies, Memorandums, and Written Documentation” (ECF No. 8); “Motion for Court Order Compelling Respondent to Provide Photocopying” (ECF No. 9); and “Motion for Appointment of Counsel” (ECF No. 10).

The “Motion to Expand the Record to Include All Formal Requests, Administrative Remedies, Memorandums, and Written Documentation” (ECF No. 8) will be denied without prejudice as premature. The “Motion for Court Order Compelling Respondent to Provide Photocopying” (ECF No. 9) will be denied without prejudice because Mr. Buhl fails to demonstrate that photocopying is necessary and fails to identify specifically what documents he seeks to photocopy.

With respect to the “Motion for Appointment of Counsel” (ECF No. 10), Mr. Buhl alleges that he seeks appointment of counsel because he is able to conduct legal research only through a computerized electronic law library system and his impaired vision, allegedly caused by cataracts in both eyes, prevents him from using the computerized electronic law library system. The motion for appointment of counsel will be denied without prejudice because, based on the legal citations in the “Memorandum Supportive of Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241” (ECF No. 1-1) filed by Mr. Buhl in this action on November 9, 2012, it appears that Mr. Buhl has managed to conduct legal research relevant to his claims in this action. Mr. Buhl does not allege that his eyesight recently has changed and he fails to provide any other explanation for his alleged inability to conduct additional legal research. Accordingly, it is

ORDERED that the “Motion to Expand the Record to Include All Formal Requests, Administrative Remedies, Memorandums, and Written Documentation” (ECF No. 8), the “Motion for Court Order Compelling Respondent to Provide Photocopying” (ECF No. 9), and the “Motion for Appointment of Counsel” (ECF No. 10) are DENIED without prejudice for the reasons stated in this order.

DATED November 26, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge