

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

Civil Action No. 13-cv-00111-RM-BNB

JOE M. TONEY, JR.,

Plaintiff,

v.

WARDEN BERKEBILE,  
A.W. HALL,  
A.W. KUTA,  
S.I.S. REDDEN,  
R. MARTINEZ,  
MS. RANGEL,  
MS. SUDLOW, and  
MR. MADISON,

Defendants.

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**ORDER**

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This matter arises on the plaintiff's **Motion to Join Motion for Appointment of Counsel** [Doc. #62, filed 08/01/2013] (the "Motion"). The Motion is DENIED.

This is the plaintiff's third motion for appointment of counsel in a four month span. In denying his first and second motions, I considered the following factors pursuant to Rucks v. Boergermann, 57 F.3d 978, 979 (10<sup>th</sup> Cir. 1995): (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. I found that the plaintiff's Amended Complaint adequately presents the plaintiff's claims; the factual and legal issues raised by the claims are not complex; and the allegations of the Amended Complaint did not convince me that the plaintiff's chances of succeeding on the merits are strong. *Order* [Doc. #37]. This Motion

does not contain any argument or allegations which would alter my analysis. The Motion is denied, and the plaintiff shall cease filing redundant motions.

IT IS ORDERED:

- (1) The Motion [Doc. #62] is DENIED; and
- (2) The plaintiff shall cease filing redundant motions. Failure to comply with this order may result in sanctions, including dismissal of this case.

Dated August 14, 2013.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge