

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 13-cv-02167-RM-KMT

BRUCE W. JONES,

Plaintiff,

v.

DR. JEFFREY ALLEN, Individually and in his Official Capacity, Chief Health Programs, Health Services Division, Washington D.C., North Central Region, Kansas City, Kansas, LISA GREGORY, Individually and in her Official Capacity, Regional Health Services Administrator, North Central Regional Office, Kansas City, Kansas, ALLYSON ALVARADO, Individually and in her Official Capacity, Health Services Administrator, Federal Correctional Institute, Florence, LT. CIMAROSSA, Individually and in her Official Capacity, Acting Asst. Health Services Health Administrator, Federal Correctional Institute, Florence, GEORGE SANTINI, Individually and his Official Capacity, Staff Physician, Federal Correctional Institute, Florence, ALICIA VINYARD, Individually and in her Official Capacity, Midlevel Provider, Federal Correctional Institute, Florence, GILBERTA TRUJILLO, Individually and in her Official Capacity, Medical Secretary, Federal Correctional Institute, Florence, P. RANGEL, Individually and in his Official Capacity, Associate Warden, Federal Correctional Institute, Florence, and JAMES PELTON, Individually and in his Official Capacity, Acting Clinical Director, Federal Correctional Institute, Florence,

Defendants.

**ORDER DENYING
MOTION FOR APPEAL OF DENIAL OF APPOINTMENT OF COUNSEL (ECF No. 45)**

THIS MATTER is before the Court on Plaintiff's Motion for Appeal of Denial of Appointment of Counsel (ECF No. 45), objecting to the Magistrate Judge's Order of April 7, 2014 (ECF No. 40) which denied Plaintiff's Motion to Appoint Counsel (ECF No. 37) for the reasons set forth in the Magistrate Judge's prior Order of March 4, 2014 (ECF No. 36). The

Magistrate Judge also stated there were no pending motions, deadlines or hearings at that time. After the Magistrate Judge issued her Order of April 7, 2014, Defendants Allen and Gregory filed a Motion to Dismiss for Lack of Personal Jurisdiction. Thereafter, Plaintiff timely objected to the April 7, 2014 Order.

Plaintiff's objection is based on reasons previously raised before the Magistrate Judge (the lack of access to a law library and health reasons) as well as recent surgery which he states restricted his ability to travel for at least six weeks. Plaintiff's circumstances have changed slightly since his first motion for appointment of counsel in that he is no longer in prison and thus the prison's law library is no longer accessible to him, but there are nonetheless public law libraries which are accessible and available. Further, Plaintiff's recent travel restriction would not unduly impact his ability to present his case because it is of limited duration. Accordingly, as the Magistrate Judge previously found, it appears Plaintiff still can adequately prepare and present his case without the assistance of counsel. *See Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004) (discussing factors to evaluate in addressing a request to appoint counsel for an indigent prisoner in a civil case). It is therefore

ORDERED that Plaintiff's Motion for Appeal (ECF No. 45) is DENIED.

DATED this 10th day of June, 2014.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge