

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03391-MJW

STEVEN W. BASSETT,

Plaintiff,

v.

CDOC EMPLOYEE, Who Wrecked CTU Bus on December 17, 2012,
SERGEANT LOMBARDO of CTU, and
CDOC SPOKESMAN, Liaison on Scene of CTU Bus Wreck, December 17, 2012,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that plaintiff's [Motion for] Appointment of Counsel (Docket No. 34) 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 plaintiff's [Motion] Request for Form Required by Court (Docket No. 35) is DENIED. The court has contacted plaintiff's case manager and determined that plaintiff has since received the Rule 16 Scheduling Form and the court's Local Rules. As to the plaintiff's request for CDOC reports, such a request must be made through the discovery process and not with the court.

Date: May 12, 2014