

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01059-MSK-MJW

NATHAN YBANEZ,

Plaintiff,

v.

BERNADETTE SCOTT, in her individual and official capacities as Lieutenant of the SCF Mail Room, and
UNKNOWN SCF MAIL ROOM EMPLOYEE "C. Mathis," in her individual capacity,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that plaintiff's Motion for Attorney Assistance in Conducting Oral Depositions (Docket No. 22) is DENIED for the following reasons. *Pro se* prisoner plaintiff Nathan Ybanez seeks permission from the court to allow an attorney from the Colorado Prison Law Project to conduct oral depositions on plaintiff's behalf. This attorney does not intend to enter a "full" appearance on behalf of plaintiff. As correctly noted by plaintiff, this court's Administrative Order ("AO") 2007-6, which took effect on January 1, 2008, specifically forbids limited representation. Nevertheless, plaintiff urges the court to make an exception in his case.

Plaintiff argues that allowing a limited appearance for the purpose of conducting depositions does not run afoul of AO 2007-6's underlying concern with "ghostwriting." AO 2007-6 states that limited representations are not consistent with Fed. R. Civ. P. 11 or "the view of judges of this court concerning the ethical responsibility of members of the bar of this court." Nothing in AO 2007-06 limits its applicability to ghostwriting.

Plaintiff also argues that AO 2007-6's ban on limited representation "implicates" First, Fifth, and Fourteenth Amendment concerns. Plaintiff does not cite to any cases which state that a ban on limited representation violates a constitutional right. Regardless, courts have routinely held that permitting limited representation is left to the trial court's sound discretion. See *TFFI Corp. v. Williams*, No. 8:13-cv-01809-AW, 2013 WL 6062385, at *3 (D.Md. Nov. 15, 2013) (collecting cases). It follows, then, that a general ban on limited representation does implicate any constitutional concerns.

Date: July 1, 2014
