

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

Civil Action No. 16-cv-02071-RM-KLM

JAMES RUDNICK,

Plaintiff,

v.

RICK RAEMISCH,
JOHN CHAPDELAINE,
JENNIFER ANDERSON,
NICOLE WILSON,
ERIC HOFFMAN,
SAMORA,
BROWN,
DAVID CUSTER,
DARREN COREY, and
WILLIAM SHERWOOD,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Prisoner Motion for Appointment of Counsel (ECF No. 123) filed pursuant to D.C.COLO.LAttyR 15. Under Rule 15, the Court considers the following relevant factors in exercising its discretion as to whether to appoint counsel: the nature and complexity of the action; the potential merit of the unrepresented party's claims; the demonstrated inability of the unrepresented party to retain counsel by other means; and the interests of justice to be served by an appointment. *See Hill v. Smithkline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004). "The burden is on the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel." *Id.* (quoting *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir.1985)). "Only in those extreme

cases where the lack of counsel results in fundamental unfairness will the district court's decision be overturned." *Id.* (citation and quotation marks omitted).

Generally, for civil cases, the court maintains a list of qualified lawyers who occasionally volunteer to take such cases without charge. These resources, however, are limited. Upon consideration of the relevant factors, the Court finds they weigh against the appointment of counsel.

As an initial matter, Plaintiff's Motion is moot; his case has now been dismissed. Even if the Court had considered it earlier, it would not have merited granting for substantially the same reasons stated in the Magistrate Judge's earlier Order Denying Motion for Appointment of Counsel (ECF No. 60). In addition, as to Plaintiff's assertion of the need for counsel due to Defendants' alleged withholding of legal documents, he fails to show any such alleged withholding has impaired his ability to prosecute this case. Accordingly, it is

ORDERED that the Prisoner Motion for Appointment of Counsel (ECF No. 123) is **DENIED**.

DATED this 8th day of June, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge