

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 18-cv-00935-CMA-KLM

DAVID WAYNE ROBINSON,

Plaintiff,

v.

MIKE GALLEGOS,  
HANA S. RUIZ,  
DAVID BRIGGS,  
SGT. LUSK,  
SGT. S.P. ZARNOW, and  
JAIME KAFATI,

Defendants.

---

**ORDER OVERRULING PLAINTIFF'S OBJECTION TO  
MAGISTRATE JUDGE MIX'S MARCH 16, 2021 ORDER**

---

This matter is before the Court on Plaintiff David Wayne Robinson's Objection/Reconsideration for Counsel. (Doc. # 57.) Therein, Plaintiff objects to Magistrate Judge Mix's March 16, 2021 Order denying Plaintiff's Renewed Request for Attorney. (Doc. # 56.) Upon review of Plaintiff's Objection, Judge Mix's Order, the underlying motion for appointment of counsel, and the case file, Plaintiff's Objection is overruled for the reasons articulated in Judge Mix's Order.

In particular, this Court agrees with Judge Mix's determination that "Plaintiff's Second Amended Prisoner Complaint [#35] provides an insufficient basis to find that this action has sufficient merit to warrant appointment of counsel at this time." (Doc. #

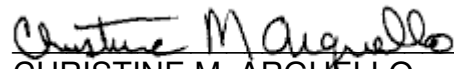
56 at 3) (citing *Jones v. Maritz Research Co.*, No. 14-2467-SAR-GLR, 2014 WL 6632929, at \*3 (D. Kan. Nov. 21, 2014)). As Judge Mix stated in her Order, "the Court's perception of the merits may, however, vary over time, particularly after resolution of any dispositive motions." (*Id.* at 4) (citing *Jones*, 2014 WL 6632929, at \*3 (explaining a court may decide to postpone a decision to appoint counsel, "for example, until after resolution of dispositive motions—in order to give itself both more time and more information to evaluate the plaintiff's capabilities and the merits of the case").

Accordingly, Plaintiff may renew his motion for appointment of counsel following the resolution of Defendants' Motion to Dismiss Pursuant to Rule 12(b)(1), or Alternatively, to Stay Pursuant to the Younger Doctrine (Doc. # 52), which is pending before the Court.

It is ORDERED that Plaintiff David Wayne Robinson's Objection/Reconsideration for Counsel (Doc. # 57) is OVERRULED.

DATED: April 15, 2021

BY THE COURT:

  
CHRISTINE M. ARGUELLO  
United States District Judge