

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ALLEN DEAN WASHBURN,

Plaintiff,

v.

CASE NO. 17-3107-SAC

SALINE COUNTY JAIL, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to appoint counsel (Doc. #3). The order also clarifies the date that the *Martinez* report ordered in this matter is due.

A party in a civil action has no constitutional right to the appointment of counsel. *Durre v. Dempsey*, 869 F.2d 543, 547 (10th Cir. 1989). However, the Court may request counsel to represent a party proceeding in forma pauperis. 28 U.S.C. § 1915(e)(1). In deciding whether to appoint counsel, the Court must consider "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." *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991). The Court has examined the record and finds no basis to appoint counsel at this time. The plaintiff has set out the facts and the nature of his claims, and the issues presented do not appear to be unusually complicated or novel. The Court therefore will deny the appointment of counsel but will reconsider whether appointment is warranted upon the development of the record.

Next, the Court sets the time for filing the *Martinez* report at December 18, 2017.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion for the appointment of counsel (Doc. #3) is denied.

IT IS FURTHER ORDERED the time for filing the *Martinez* report is set at December 18, 2017.

**IT IS SO ORDERED.**

DATED: This 17th day of October, 2017, at Topeka, Kansas.

S/ Sam A. Crow  
SAM A. CROW  
U.S. Senior District Judge