

Even if plaintiff had been granted leave to proceed *in forma pauperis*, the court would deny appointment of counsel. In determining whether to appoint counsel, the court may consider a variety of factors including: “the merits of the litigant’s claims, the nature and complexity of factual and legal issues, and the litigant’s ability to investigate facts and to present his claims.”⁵ Based upon the claims presented in the complaint, the court is not convinced plaintiff’s claims are especially meritorious. Plaintiff also appears capable of preparing and presenting this case without the aid of counsel. Plaintiff has not demonstrated his case involves unique or unusually complicated legal theories. Additionally, plaintiff has not demonstrated the existence of any special circumstances, such as a physical or mental impediment, which prevent him from presenting his claims.

Accordingly,

IT IS THEREFORE ORDERED that T. Charles Boettger’s Motion for Appointment of Counsel (ECF No. 3) is denied.

IT IS SO ORDERED.

Dated this 27th day of June, 2017, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge

⁵ *Rouse v. Colo. State Bd. of Parole*, 242 Fed. App’x 498, 501 (10th Cir. 2007) (citing *Rucks v. Boergermann*, 393 F.3d 111, 115 (10th Cir. 2004)).