

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

CARTRELL R. SMITH SR.,
JASON LUTZ, and
ROBERT ORGAN,

Plaintiffs,

v.

Civ. No. 16-1201 MCA/GJF

CORRECTIONS CORP. OF AMERICA
TORRANCE COUNTY, and
CHAD MILLER,

Defendants.

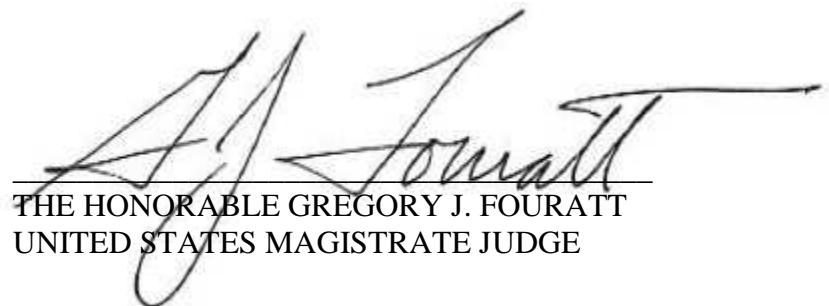
ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

THIS MATTER is before the Court on the Motion to Appoint Legal Counsel filed by Plaintiff Cartrell R. Smith Sr. [ECF No. 20]. The Court will deny the Motion. There is no right to appointment of counsel in a civil rights case. Instead, the decision whether to request assistance of counsel rests in the sound discretion of the Court. *Beaudry v. Corrections Corp. of America*, 331 F.3d 1164, 1169 (10th Cir. 2003); *MacCuish v. United States*, 844 F.2d 733, 735 (10th Cir. 1988). In determining whether to appoint counsel, the district court should consider the merits of the litigant's claims, the nature and complexity of the factual and legal issues, and the litigant's ability to investigate the facts and to present his claims. *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004). The Court has reviewed the complaint and subsequent filings in light of the foregoing factors. Plaintiff Smith appears to understand the issues in the case and to be representing himself in an intelligent and capable manner. *See Lucero v. Gunter*, 52 F.3d 874, 878 (10th Cir. 1995). To the extent Plaintiff Smith seeks appointment of counsel for his co-Plaintiffs, Jason Lutz and Robert Organ, Plaintiff Smith may only proceed on his own requests and may not seek relief on their behalf. *Adams ex rel. D.J.W. v. Astrue*, 659

F.3d 1297, 1299 (10th Cir. 2011). Accordingly, the Court will deny the Motion to Appoint Legal Counsel.

IT IS ORDERED that the Motion to Appoint Legal Counsel filed by Plaintiff Cartrell R. Smith Sr. [ECF No. 20] is **DENIED**.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE