

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

DANAN GABALDON,

Plaintiff,

v.

Civ. No. 17-267 KG/GJF

BERNALILLO COUNTY
SHERIFF'S OFFICE,
et al.,

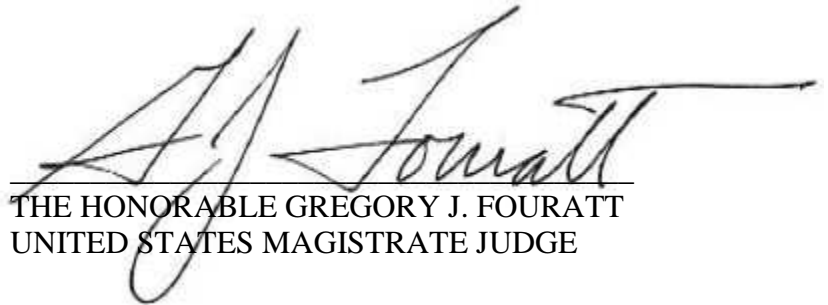
Defendants.

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

THIS MATTER is before the Court on Plaintiff Danan Gabaldon's Second Motion for Appointment of Counsel ("Motion") [ECF No. 16]. The Court will again 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 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). Accordingly, the Court will deny the Motion.

IT IS ORDERED that Plaintiff's Second Motion for Appointment of Counsel is **DENIED.**

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. J. Fouratt", is written over a horizontal line. The signature is stylized with a large initial "G" and a long horizontal stroke at the end.

THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE