

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

FILED

JUL 13 2011

WILLIAM C. FOTHERIE Clerk, U.S. District Court By Deputy Clerk

GARY LITTLE, Plaintiff, v. JUSTIN JONES, et al., Defendants.

No. CIV 07-177-RAW-SPS

OPINION AND ORDER DENYING SECOND MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff has filed another motion requesting appointment of counsel in this matter. He still bears the burden of showing his claim has sufficient merit to warrant appointment of counsel. McCarthy v. Weinberg, 753 F.2d 836, 838 (10th Cir. 1985) (citing United States v. Masters, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court again has reviewed the merits of plaintiff's claims, the factual issues raised therein, and his ability to investigate crucial facts. McCarthy, 753 F.2d at 838 (citing Maclin v. Freake, 650 F.2d 885, 887-88 (7th Cir. 1981)). After consideration of plaintiff's ability to present his claims and the complexity of the legal issues in the case, the court finds that appointment of counsel still is not warranted. See Williams v. Meese, 926 F.2d 994, 996 (10th Cir. 1991); see also Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995).

ACCORDINGLY, plaintiff's motion [Docket No. 100] is DENIED with leave to reurge the motion, if appropriate, after a decision on the dispositive motions has been entered.

IT IS SO ORDERED this 13th day of July 2011.

Ronald A. White RONALD A. WHITE UNITED STATES DISTRICT JUDGE