

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

FILED

APR 10 2012

EZEKIEL DAVIS, )  
)  
Plaintiff, )  
)  
v. )  
)  
CORRECTIONAL CORPORATION )  
OF AMERICA, et al., )  
)  
Defendants. )

WILLIAM B. GUTHRIE  
Clerk U.S. District Court  
By \_\_\_\_\_  
Deputy Clerk

No. CIV 09-466-RAW-SPS

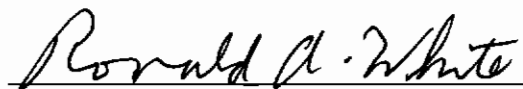
**OPINION AND ORDER**  
**DENYING THIRD MOTION FOR APPOINTMENT OF COUNSEL**

Plaintiff has filed a third motion asking the court to appoint counsel. He alleges, among other things, that he cannot represent himself, when one of the relevant documents in the case has been sealed. Plaintiff still must demonstrate 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)). Once again, the court has carefully reviewed the merits of his claims, the nature of the factual issues raised in his allegations, 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 considering plaintiff's ability to present his claims and the complexity of the legal issues raised by the claims, 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). Furthermore, plaintiff does not have to be represented by counsel to attempt to discover relevant evidence.

**ACCORDINGLY**, plaintiff's motion [Docket No. 110] is DENIED.

**IT IS SO ORDERED** this 10<sup>th</sup> day of April 2012.

  
\_\_\_\_\_  
**RONALD A. WHITE**  
**UNITED STATES DISTRICT JUDGE**