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

EZEKIEL DAVIS,	)
	)
Plaintiff,	)
	)
v.	) **No. CIV 17-293-JHP-SPS**
	)
CORE CIVIC, INC., et al.,	)
	)
Defendants.	)

OPINION AND ORDER DENYING
SECOND AND THIRD MOTIONS FOR APPOINTMENT OF COUNSEL

Plaintiff has filed second and third motions for appointment of counsel (Dkts. 110, 136). He alleges in part that his case is complex, and he needs assistance to prevent the defendants from presenting false facts and committing fraud.

There is no constitutional right to appointment of counsel in a civil case. *Durre v. Dempsey*, 869 F.2d 543, 547 (10th Cir. 1989); *Carper v. DeLand*, 54 F.3d 613, 616 (10th Cir. 1995). The decision whether to appoint counsel in a civil matter lies within the discretion of the district court. *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991). "The burden is on the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel." *Steffey v. Orman*, 461 F.3d 1218, 1223 (10th Cir. 2006) (quoting *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004)). It is not enough "that having counsel appointed would [assist the prisoner] in presenting his strongest possible case, [as] the same could be said in any case." *Steffey*, 461 F.3d at 1223 (quoting *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995)).

The Court again has carefully reviewed the merits of Plaintiff's claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). The Court concludes the issues are not complex, and Plaintiff appears capable of adequately presenting facts and arguments.

ACCORDINGLY, Plaintiff's second and third motions for appointment of counsel (Dkts. 110 and 136) are DENIED.

IT IS SO ORDERED this 12th day of February, 2019.

James H. Payne
United States District Judge
Eastern District of Oklahoma