

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

Jerry Brakebill and Barbara Mullins  
Brakebill,

Plaintiffs,

v.

Bank of America,

Defendant.

Case No. 18-CIV-104-RAW

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

Plaintiffs have filed a motion requesting the court to appoint counsel [Docket No. 34]. Plaintiffs previously filed a motion for appointment of counsel on April 4, 2018 [Docket No. 5]. They bear the burden of convincing the court that the 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 has carefully reviewed the merits of plaintiffs' claims, the nature of factual issues raised in his allegations, and their 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 plaintiffs' ability to present their claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel 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, Plaintiffs' motion [Docket No. 34] is DENIED.

**IT IS SO ORDERED** this 28th day of March, 2019.



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HONORABLE RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF OKLAHOMA