

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

DANIEL L. JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	No. CIV 18-152-RAW-SPS
)	
MARTY GARRISON, et al.,)	
)	
Defendants.)	

OPINION AND ORDER
DENYING SECOND MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff has filed a second motion for appointment of counsel (Dkt. 14). He alleges he needs the skill and knowledge of an attorney to respond to the defendants because of his “lack of proper citing of legal authority, his confusion of various legal theories, and . . . [a] recent . . . lack of opportunity to have access to the law library or any law clerks.” *Id.* at 1.


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)). At this point in the litigation, the Court concludes the issues are not complex, and Plaintiff appears capable of adequately presenting facts and arguments.

ACCORDINGLY, Plaintiff's second motion for appointment of counsel (Dkt. 14) is DENIED.

IT IS SO ORDERED this 9th day of July 2018.



Ronald A. White
United States District Judge
Eastern District of Oklahoma