

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSHUA CALDWELL,

:

CIVIL NO. 1:CV-09-00545

Plaintiff

:

(Judge Rambo)

v.

:

:

:

**LUZERNE COUNTY CORRECTIONS
FACILITY MANAGEMENT
EMPLOYEES, et al.,**

:

:

:

:

Defendants

:

ORDER

AND NOW, this 11th day of February, 2010, upon consideration of Plaintiff’s motion for appointment of counsel (Doc. 60), and it appearing from the amended complaint (Doc. 30) and brief in opposition to the motion to dismiss (Doc. 59) that Plaintiff is capable of properly and forcefully prosecuting his claims with adequate factual investigation and appropriate citations to governing authority, and that resolution of the facial merit of Plaintiff’s claims neither implicates complex legal or factual issues nor requires factual investigation or the testimony of expert witnesses, *see Montgomery v. Pinchak*, 294 F.3d 492, 499 (3d Cir. 2002); *Tabron v. Grace*, 6 F.3d 147, 155-57 (3d Cir. 1993) (listing factors relevant to a request for counsel),¹ **IT**

¹ In a non-precedential decision, a panel of the United States Court of Appeals for the Third Circuit indicated that the district court should also consider its willingness to aid the indigent

IS HEREBY ORDERED THAT the motion (Doc. 60) is **DENIED**. If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of Plaintiff. *See id.*

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge

party in presenting his or her case in the courtroom and the availability of attorneys willing to take § 1915(e) appointments. *Gordon v. Gonzalez*, 232 F. App'x 153, 156 n.4 (3d Cir. 2007).