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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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HAROLD ROBINSON,  
Plaintiff,

v.

PROVO CITY, a municipal corporation, et  
al.,

Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

Case No. 2:15-CV-311 TS

District Judge Ted Stewart

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This matter is before the Court on Plaintiff’s Motion for Appointment of Counsel. As a civil litigant, Plaintiff has no constitutional right to counsel.<sup>1</sup> 28 U.S.C. § 1915(e) provides that “[t]he court may request an attorney to represent any person unable to afford counsel.” The appointment of counsel under this statute is within the discretion of the court.<sup>2</sup> When deciding whether to appoint counsel, the Court considers a variety of factors, “including ‘the merits of the litigant’s claims, the nature of the factual issues raised in the claims, the litigant’s ability to present his claims, and the complexity of the legal issues raised by those claims.’”<sup>3</sup>

In considering these factors, the Court concludes that (1) it is not yet clear whether Plaintiff has asserted a colorable claim; (2) the issues involved, both factually and legally, do not appear to be overly complex; and (3) Plaintiff is not incapacitated or otherwise unable to adequately prosecute this matter. Therefore, the Court will deny Plaintiff’s Motion for

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<sup>1</sup> *MacCuish v. United States*, 844 F.2d 733, 735 (10th Cir. 1988).

<sup>2</sup> *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985).

<sup>3</sup> *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991)).

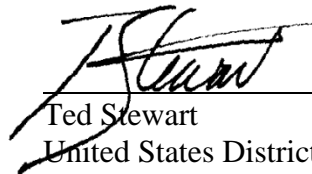
Appointment of Counsel. However, if this case is found to have merit and if it appears that counsel will be needed to assist Plaintiff, the Court may ask an attorney to appear pro bono on Plaintiff's behalf at a later date.

It is therefore

ORDERED that Plaintiff's Motion for Appointment of Counsel (Docket No. 4) is DENIED.

DATED this 8th day of July, 2015.

BY THE COURT:

  
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Ted Stewart  
United States District Judge