

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

Michael A. Bacon,  Plaintiff,  v.  Jacob Barker, et al.  Defendants.	MEMORANDUM DECISION AND ORDER DENYING MOTION TO COMPEL AND MOTION FOR APPOINTMENT OF COUNSEL  Case No. 2:21-cv-760 HCN DBP  Judge Howard C. Nielson, Jr. Chief Magistrate Judge Dustin B. Pead
--	--

---

Plaintiff, who is proceeding pro se, once again asks the court to appoint counsel. (ECF No. 37.) Plaintiff also requests a court order concerning access to the mail. The court denies the motion.

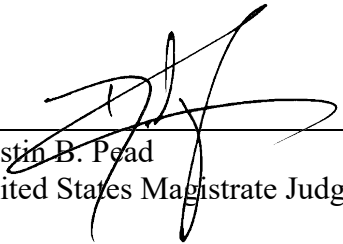
Plaintiff has already requested the appointment of counsel twice. Each time the court denied the request noting Plaintiff's failure to meet the burden to "convince the court that there is sufficient merit to his claim to warrant the appointment of counsel." *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004). Once again Plaintiff has failed to meet this burden and thus his request for counsel is DENIED.

Plaintiff's motion notes four other cases he has filed in this court requesting he be allowed access to the mail and presumably any filings in those cases. Plaintiff has now updated his address after being transferred to another facility. The court temporarily stayed proceedings in this case to allow Plaintiff time to arrive at a new facility and provide a change of address. The court finds no support for Plaintiff's argument that he is not receiving mail. Perhaps, mail that was sent to his old address is slow in being forwarded. Yet, because Plaintiff's address is now current there is nothing before the court warranting an order compelling the facility to allow Plaintiff to receive mail. Thus, this part of Plaintiff's motion is also DENIED.

Accordingly, Plaintiff's third motion for counsel and motion to compel is DENIED.

IT IS SO ORDERED.

DATED this 21 November 2022.



---

Dustin B. Pead  
United States Magistrate Judge