

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

<p>MARK WAYNE CASTLEMAN,</p> <p>v.</p> <p>JOHN MARLER, et al.,</p>	<p>)</p> <p>)</p> <p>Plaintiff,</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>Defendants.</p> <p>)</p>	<p>No. CIV 22-235-RAW-JAR</p>
--	--	-------------------------------

**OPINION AND ORDER DENYING PLAINTIFF'S
SECOND AND THIRD MOTIONS FOR APPOINTMENT OF COUNSEL**

Plaintiff has filed second and a third motions for appointment of counsel (Dkts. 49, 64). He alleges he needs appointed counsel to locate and serve the unserved defendants and to conduct discovery.

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 plaintiff] 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 the factual issues raised in his allegations, and his ability to investigate crucial facts. *See McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th

Cir. 1981)). The Court concludes the issues are not complex, and Plaintiff appears capable of adequately presenting facts and arguments.

ACCORDINGLY, Plaintiff's second and third motions for appointment of counsel (Dkts. 49, 64) are DENIED.

IT IS SO ORDERED this 16th day of February 2024.



HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE