

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ALEJANDRO FLORES-ROMERO,

Plaintiff,

v.

CASE NO. 07-3269-SAC

LT. STAR, et al.,

Defendants.

O R D E R

Plaintiff proceeds pro se and in forma pauperis on an amended complaint seeking relief under the Federal Tort Claims Act from the United States of America, the sole remaining defendant in this matter. Before the court is plaintiff's third motion for appointment of counsel in which plaintiff cites his lack of legal training, and pending deportation.

Plaintiff's motion is denied. Plaintiff has no right to the assistance of counsel in this civil action. *Durre v. Dempsey*, 869 F.2d 543, 647 (10th Cir. 1989). Having reviewed plaintiff's claims, his ability to present said claims, and the complexity of the legal issues involved, the court continues to find appointment of counsel is not warranted.¹ See *Long v. Shillinger*, 927 F.2d 525, 526-27 (10th Cir. 1991)(factors to be considered in deciding motion for

¹In response to recent correspondence plaintiff submitted to the court, plaintiff is advised that court rules for District of Kansas do not allow for electronic notification and service of pleadings on behalf of an incarcerated pro se litigant. When plaintiff is no longer a prisoner, he can register with the court at the District of Kansas website (www.ksd.uscourts.gov) to receive electronic notification by e-mail.

appointment of counsel).

Pending before the court is a motion to dismiss, or in the alternative for summary judgment, filed by the United States of America. Plaintiff is advised that if no timely response to this dispositive motion is filed within the deadline set herein by court order, defendant's motion is subject to being considered and decided as an uncontested motion.

IT IS THEREFORE ORDERED that plaintiff's motion for appointment of counsel (Doc. 15) is denied.

IT IS FURTHER ORDERED that the time for plaintiff to file a response to defendant's motion to dismiss, or in the alternative for summary judgment, is extended to and including August 17, 2011.

IT IS SO ORDERED.

DATED: This 2nd day of August 2011 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge