

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MAURICE L. MILES, JR.,)
)
Plaintiff,)
)
v.)
)
DEPUTY CONRAD, in his official)
capacity with Reno County Sheriff's)
Department; DEPUTY SWONGER,)
in his official capacity with Reno County)
Sheriff's Department; DEPUTY)
MONDRAGON, in his official capacity)
with Reno County Sheriff's Department;)
and DEPUTY CARDER, in his official)
capacity with Reno County Sheriff's)
Department;)
)
Defendants.)

Case No. 16-3152-EFM

ORDER

This matter comes before the court upon plaintiff's *pro se* Motion for Appointment of Counsel (ECF No. 61). For the following reasons, this motion is denied.

Plaintiff again seeks appointment of counsel in this case. This is his third request. On February 21, 2018, the court denied his second request for appointment of counsel. After reviewing the factors set forth in *Sandle v. Principi*, 399 F. App'x 355 (10th Cir. 2010), the court denied plaintiff's motion. The court stated, however, that plaintiff could seek appointment of counsel at a later time if circumstances changed.

Plaintiff has failed to identify any change of circumstances warranting appointment of counsel. If anything, recent events weigh against appointment of counsel. At the time of the earlier order, the court noted there was little before the court to assess the merits of plaintiff's claims. Since that time, defendants have filed a motion to dismiss which raises several arguments

for dismissal. Based upon that motion, the court believes there are some issues with some of plaintiff's claims. Moreover, since the filing of the court's earlier order, plaintiff has continued to handle this case in a reasonable manner. His actions show that he has more than an adequate ability to present his claims. Accordingly, for these reasons and the reasons identified by the court in its order of February 21, 2018, the court denies plaintiff's motion for appointment of counsel.

IT IS THEREFORE ORDERED that plaintiff's Motion for Appointment of Counsel (ECF No. 61), is denied.

IT IS SO ORDERED.

Dated this 10th day of August, 2018, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge