

MATTHEW ESCALANTE,)
)
Plaintiff,)
)
v.)
) Case No: 22-cv-2485-TC-TJJ
JANELLE ESCALANTE,)
)
Defendant.)

This matter comes before the Court on Plaintiff's Motion to Appoint Counsel (ECF No. 4). Plaintiff, proceeding *pro se* and *in forma pauperis*,¹ requests that the Court appoint counsel to represent him in this case. For the reasons set forth below, Plaintiff's motion for the appointment of counsel is denied without prejudice.

⁴*Johnson v. Johnson*, 466 F.3d 1213, 1217 (10th Cir. 2006) (a district court has discretion to request an attorney to represent a litigant who is proceeding *in forma pauperis* under 28 U.S.C. § 1915(e)(1)).

whether to appoint counsel under § 1915(e)(1), the district court may consider a variety of factors, including: (1) the merits of the litigant's claims, (2) the nature of the factual issues raised in the claims, (3) the litigant's ability to present his/her claims, and (4) the complexity of the legal issues raised by the claims.⁵

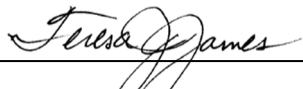
The Court will be issuing a Notice and Order to Show Cause requiring Plaintiff to show cause why this cause should not be dismissed for lack of subject-matter jurisdiction. The Court therefore denies Plaintiff's Motion for Appointment of Counsel without prejudice to re-filing, if the Court finds Plaintiff has established the Court has subject-matter jurisdiction over this case after he timely responds to the Court's Notice and Order to Show Cause.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff's Motion for Appointment of Counsel (ECF No. 4) is denied without prejudice.

IT IS FURTHER ORDERED that a copy of this Order shall be mailed to Plaintiff.

IT IS SO ORDERED.

Dated January 19, 2023, at Kansas City, Kansas.



Teresa J. James
U.S. Magistrate Judge

⁵*Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).