

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DESTNEY WILLIAMS,

Plaintiff,

vs.

Case No. 22-3058-SAC

HARTPENCE DALTON, MEGHAN
DAVIS, ERICA MARSHAL, HOLLY
CHAVEZ, DONA HOOK, and
GLORIA GEITHER,

Defendants.

MEMORANDUM AND ORDER

The plaintiff Destney Williams (“Williams”) filed a civil rights complaint pursuant to 42 U.S.C. § 1983 which the court screened in its order of April 21, 2022. ECF# 7. The court’s screening order denied the plaintiff’s motion for appointment of counsel, withheld ruling on the plaintiff’s motion to proceed in forma pauperis (“ifp”), and gave the plaintiff until May 13, 2022, in which to show good cause in writing why her complaint should not be dismissed and/or to file a complete and proper amended complaint curing all discussed deficiencies. *Id.* The order also cautioned the plaintiff that her failure to file a good-cause response and/or amended complaint by this deadline would result in the court’s decision based upon her current deficient complaint and dismissal without further notice. *Id.* Upon receipt of the plaintiff’s supplement to her ifp motion, the court granted her motion giving her until May 17, 2022, to pay her initial partial filing fee of \$30.50 and cautioning that failure to pay the fee may result in dismissal without further notice. ECF# 9. The next day,

the plaintiff filed a second motion to appoint counsel (ECF# 10) and two supplements to complaint (ECF# 11 and 12).

The plaintiff's first motion to appoint counsel was denied as unwarranted upon findings that "the plaintiff's claims lack sufficient merit and are not unusually complicated." ECF# 7, pp. 1-2. In her latest motion, the plaintiff argues for appointment of counsel, because she lacks a legal education and access to current "legal resources," "important documents," and "resources due to strict COVID protocols." ECF# 10, pp. 4, 6. The plaintiff suggests complexity here from the number of defendants and the dispute over their motives.

The plaintiff's additional arguments do not persuade this court's exercise of discretion in appointing counsel here. The plaintiff has not shown the court that her claims have sufficient merit to warrant the appointment of counsel. *Steffey v. Orman*, 461 F.3d 1218, 1223 (10th Cir. 2016). The nature and complexity of the factual and legal issues here are not of the quantity and quality to warrant appointment of counsel. As for the plaintiff's ability to investigate and present her claims, she fails to show what documents and resources supporting her claims are unavailable to her now and important to her in alleging viable claims of constitutional violations. The court denies the plaintiff's second motion for appointment of counsel.

The plaintiff's first supplement (ECF# 11) includes copies of her informal grievance dated March 14, 2022, that questions the Warden's COVID scheduling, and the decisions voiding her grievance for failing to follow administrative procedure. The plaintiff's second supplement (ECF# 12) includes an informal grievance dated February 27, 2022, asserting she is "being discriminated against when it comes to

work programs and class and activities.” ECF# 12, p. 5. It also includes a second informal grievance dated February 27, 2022, complaining that she was being removed from her landscaping job for attendance reasons she did not understand. The administration’s responses and decisions to these grievances are part of this supplement. Neither supplement includes any separate writing or allegation discussing the evidentiary purpose for these copies of grievance proceedings. These supplements do not qualify as either proper good-cause responses and/or amended complaints required by the court’s order (ECF# 7). They will not be considered for that purpose.

IT IS THEREFORE ORDERED that the plaintiff’s motion for appointment of counsel (ECF# 10) is denied, and the plaintiff’s supplements (ECF# 11 and 12) are not proper responses to the court’s order of April 21, 2022, (ECF# 7) and will not be considered for that purpose.

Dated this 5th day of May, 2022, Topeka, Kansas.

s/Sam A. Crow
Sam A. Crow, U.S. District Senior Judge