

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
APR 11 2017
JEFFREY P. COLWELL
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. -cv--

Chayce Aaron Anderson

Plaintiff(s),

v.

Cara Boxberger, Jason Shuttars, Mark DeLano

Defendant(s).

MOTION FOR APPOINTMENT OF COUNSEL

I am a plaintiff defendant [Select which side you are in your case] in this case and am currently not represented by counsel. I believe that I am unable to proceed with the assertion of my claims defenses [Select what is appropriate to your case] in this case without the assistance of counsel. I believe I qualify for the appointment of counsel from the Civil Pro Bono Panel.

Under the court's Civil Pro Bono Representation rule, D.C.COLO.LAttyR 15, a judicial officer of this court may enter an Appointment Order authorizing appointment by the clerk of a member of the court's Civil Pro Bono Panel when the following considerations weigh in favor of appointment:

(1) the nature and complexity of the action [Describe below:]

Chayce A. Anderson, a "Protective Custody" prisoner is

confined to a cell 22 1/2 hours daily, and the nature of the

Federal Civil Suit in combination of the complexity of citing Federal Authorities, and the potential of transfers of Mr. Anderson to different facilities during the course of the suit will make it virtually impossible for the plaintiff to proceed in a timely and effective manner without counsel.

(2) the potential merit of the claims or defenses of the unrepresented party;

the compensatory damages, punitive damages, both represent a significant potential merit of the claims that are ascertained in the Prisoner's Complaint, which present a real potential quantifiable amount of damages.

(3) the demonstrated inability of the unrepresented party to retain an attorney by

other means;

Plaintiff, Chayce A. Anderson, has limited financial means, is deemed an "indigent" unrepresented prisoner, and is requesting to file PURSUANT TO 28 U.S.C. §1915, or "In Forma Pauperis."

and

(4) the degree to which the interests of justice, including the benefits to the court,

will be served by appointment of counsel:

An appointment of counsel under Local Attorney Rule 15, titled Civil Pro Bono Representation, is necessary and beneficial to the Court for the best collective interests of justice, implementation of timely and effective responses to 14-day and 21 day rules, and overall efficiency.
D.C.COLO.LAttyR 15(f)(1)(B); Hill v. SmithKline Beecham Corp., 393 F.3d 1111,

1115 (10th Cir. 2004).

I am aware that **I am obligated, as a party in this case representing myself, to meet all obligations and deadlines imposed** under the law and the rules of procedure, local rules, and the practice of standards of this court until appointed counsel formally enters an appearance in this case. I also confirm that I understand that, in the event this motion is granted, **there is no guarantee that appointment of counsel results in an attorney(s) automatically entering an appearance in this case** – only

that a member of the Civil Pro Bono Panel will review the case for possible representation. *In support of my request, I declare that as grounds state that I am without funds, have no adequate funds available, and have a meritorious claim. The Plaintiff also, respectively requests to be appointed David Lane, if available, and if the case is accepted by Mr. Lane.*

I confirm that I have conferred with counsel in good faith regarding this motion,

as required under local rule D.C.COLO.LCivR 7.1(a)¹. Please note D.C.COLO. LCivR 7.1(b(1)) listed below.

Dated at Fort Collins (city), CO (state), this 31st day of March, 2017.

Chayce Aaron Anderson

(Unrepresented Party's Name)

2405 Midpoint Drive
Fort Collins, Colorado 80525

(Address)

Not Applicable

(Phone Number)

[Signature] 03/31/17

Local Rule D.C. (COLO. LCivR 7.1(a) Duty to Confer: Before filing a motion, counsel for the moving party or an unrepresented party shall confer or make reasonable good faith efforts to confer with any opposing counsel or unrepresented party to resolve any disputed matter. The moving party shall describe in the motion, or in a certificate attached to the motion, the specific efforts to fulfill this duty.

(b) Exceptions to the Duty to Confer:

- (1) a motion filed in a case involving an unrepresented prisoner;
- (2) a motion brought under Fed. R. Civ. P. 12;
- (3) a motion brought under Fed. R. Civ. P. 56; or
- (4) a motion brought under D.C. COLO. LAttYR 5(b).

¹ [Note: Local Rule D.C.COLO.LCivR 7.1(a) requires a party (including an unrepresented party) to confer or make reasonable good faith efforts to confer with any opposing counsel or unrepresented party about the subject of their motion before filing the motion and to describe the specific efforts to fulfill this duty. However, the duty to confer is not required under the local rules for a motion filed in a case involving an unrepresented prisoner.]