

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

Civil Action No. 17-cv-00884-CMA-STV

CHAYCE AARON ANDERSON,

Plaintiff,

v.

JASON SHUTTERS,

Defendant.

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**ORDER**

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Magistrate Judge Scott T. Varholak

This matter is before the Court on Plaintiff's Motion for Appointment of Pro Bono Counsel [# 87] (the "Motion"), which was referred to this Court [#88].

In accordance with D.C.COLO.LAttyR 15 of the U.S. District Court's Local Rules, the Court hereby determines that Plaintiff merits appointment of counsel drawn from the Civil Pro Bono Panel. This Court is satisfied that the following factors and considerations have been met:

- 1) the nature and complexity of the action;
- 2) the potential merit of the claims or defenses of the unrepresented parties;
- 3) the demonstrated inability of the unrepresented parties to retain an attorney by other means; and
- 4) the degree to which the interests of justice, including the benefits to the Court, will be served by appointment of counsel.

In reaching this decision, the Court notes several factors that support granting Plaintiff's Motion. First, the Motion avers that Plaintiff has no prior experience with litigation in the federal courts. [#87 at 6] Second, Plaintiff, who is proceeding *in forma pauperis* [#5], explains that he is indigent and incarcerated, and thus cannot afford to retain an attorney. [#87 at 8] Third, this Court has recommended that Plaintiff's excessive force claim against Defendant be allowed to proceed past the pleadings stage, and Defendant has not objected to that Recommendation. [#85] Given Plaintiff's lack of any legal experience or training, the Court believes counsel would significantly assist in completing the discovery process. Finally, in the event that future motions are filed or the matter proceeds to trial, the Court would benefit by the appointment of counsel and the framing of legal arguments by someone trained in the law.

Accordingly, **IT IS ORDERED**:

1. The Motion [# 87] is **GRANTED**;
2. The Clerk of the Court shall select, notify, and appoint counsel to represent Plaintiff in this civil matter; and
3. Plaintiff is **ADVISED** that there is no guarantee that Panel members will undertake representation in this case, and he remains responsible for all scheduled matters, including hearings, depositions and written discovery, motions, and trial, and for complying with the Federal Rules of Civil Procedure and the Local Rules of the Court.

DATED: April 20, 2018

BY THE COURT:

s/Scott T. Varholak  
United States Magistrate Judge