

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Jordan M. Leffel v. Colby Crum, et al.

Leffel v. Crum · No. 26-3055-JWL · Decided April 10, 2026

SUMMARY

The United States District Court for the District of Kansas addresses a pro se prisoner’s motion for appointment of counsel and motion for an extension of time to pay an initial partial filing fee in a 42 U.S.C. § 1983 action. The court denies appointment of counsel without prejudice and grants an extension of the filing-fee deadline to May 15, 2026.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	April 10, 2026
DOCKET	26-3055-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis, moved for appointment of counsel and for an extension of time to pay the initial partial filing fee in his pending 42 U.S.C. § 1983 action.
STANDARD OF REVIEW	Discretionary review of a request for appointment of volunteer counsel in a civil action; the applicant bears the burden of showing sufficient merit and the court considers the merits, complexity of the factual and legal issues, and the applicant's ability to investigate and present the claims.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; limited persuasive value
PARTIES	Jordan M. Leffel v. Colby Crum, et al.

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should request volunteer counsel to represent Plaintiff in his civil rights action.
2. Whether Plaintiff should receive additional time to pay the \$8.50 initial partial filing fee.

HOLDINGS

1. The court may request, but cannot require, volunteer counsel for an indigent civil litigant, and Plaintiff did not establish at this stage that appointment was warranted. The motion for appointment of counsel was therefore denied without prejudice to refiling if the action survives screening.
2. The court granted Plaintiff's motion and extended the deadline to pay the \$8.50 initial partial filing fee to May 15, 2026.

KEY QUOTATIONS

“There is no constitutional right to appointment of counsel in a civil case.”

“Rather, a court has discretion to request an attorney to represent a litigant who is proceeding in forma pauperis in a civil case.”

“Courts are not authorized to appoint counsel in § 1983 cases; instead, courts can only ‘request’ an attorney to take a case.”

FACTUAL BACKGROUND

Plaintiff is incarcerated at the El Dorado Correctional Facility, but his § 1983 claims concern his prior incarceration at the Lansing Correctional Facility. He asserted that he was financially unable to afford counsel and needed counsel to effectively present his rights-based claims. At the time of the motion, it was not clear that he had asserted a colorable claim against a named defendant, and the issues had not yet been clarified.

PROCEDURAL HISTORY

The court granted Plaintiff leave to proceed in forma pauperis and assessed an initial partial filing fee of \$8.50. The court later ordered preparation of a Martinez Report because additional information from Kansas Department of Corrections officials was necessary to process the claims. The court denied the motion for appointment of counsel without prejudice and granted the requested extension of time to pay the initial partial filing fee.

DISPOSITION

other

CASES CITED

- Carper v. DeLand, 54 F.3d 613, 616 (10th Cir.)

- Johnson v. Johnson, 466 F.3d 1213, 1217 (10th Cir.)
- Rachel v. Troutt, 820 F.3d 390, 396 (10th Cir.)
- Williams v. Meese, 926 F.2d 994, 996 (10th Cir.)
- Steffey v. Orman, 461 F.3d 1218, 1223 (10th Cir.)
- Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1115 (10th Cir.)
- Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir.)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS JORDAN M. LEFFEL, Plaintiff, v. CASE NO. 26-3055-JWL COLBY CRUM, et al., Defendants. MEMORANDUM AND ORDER Plaintiff brings this pro se civil rights action under 42 U.S.C. § 1983.

Although Plaintiff is currently incarcerated at the El Dorado Correctional Facility in El Dorado, Kansas, his claims relate to his incarceration at the Lansing Correctional Facility in Lansing, Kansas. The Court granted Plaintiff leave to proceed in forma pauperis and assessed an initial partial filing fee of \$8.50.

The initial partial filing is due by April 17, 2026. On April 6, 20206, the Court entered a Memorandum and Order (Doc. 5) finding that the proper processing of Plaintiff's claims could not be achieved without additional information from appropriate Kansas Department of Corrections officials and ordered the preparation of a Martinez Report. This matter is before the Court on Plaintiff's Motion for Appointment of Counsel (Doc.

4) and Motion for Extension of Time to Pay Initial Partial Filing Fee (Doc. 6). Plaintiff seeks the appointment of counsel, arguing that he is financially unable to afford counsel and the assistance of counsel is needed to effectively defend his rights. (Doc. 4, at 1.)

The Court has considered Plaintiff's motion for appointment of counsel. There is no constitutional right to appointment of counsel in a civil case. Carper v. DeLand, 54 F.3d 613, 616 (10th Cir. 1995). "Rather, a court has discretion to request an attorney to represent a litigant who is proceeding in forma pauperis" in a civil case. Johnson v. Johnson, 466 F.3d 1213, 1217 (10th Cir.

2006) (emphasis added) (citing 28 U.S.C. § 1915(e)(1)). In other words, if this motion is granted, it means only that the Court will request that an attorney volunteer to be appointed to represent Plaintiff at no cost to Plaintiff.

The Court cannot guarantee that an attorney will volunteer. See Rachel v. Troutt, 820 F.3d 390, 396 (10th Cir. 2016) ("Courts are not authorized to appoint counsel in § 1983 cases; instead, courts can only 'request' an attorney to take a case.").

The decision whether to appoint counsel—meaning to request counsel to provide representation at no cost to Plaintiff—in a civil matter lies in the discretion of the district court. *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991).

The burden is on the applicant to convince the court that there is sufficient merit to his claim to warrant appointment of counsel. *Steffey v. Orman*, 461 F.3d 1218, 1223 (10th Cir. 2006) (citing *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004)). It is not enough “that having counsel appointed would have assisted [the prisoner] in presenting his strongest possible case, [as] the same could be said in any case.” *Steffey*, 461 F.3d at 1223 (citing *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir.

1995)). In deciding whether to request volunteer counsel for Plaintiff, the Court has considered “the merits of the prisoner’s claims, the nature and complexity of the factual and legal issues, and the prisoner’s ability to investigate the facts and present his claims.” *Rucks*, 57 F.3d at 979; *Hill*, 393 F.3d at 1115.

The Court concludes in this case that (1) it is not clear at this juncture that Plaintiff has asserted a colorable claim against a named defendant; (2) the issues are not yet clarified and may not be complex; and (3) Plaintiff appears capable of adequately presenting facts and arguments.

Thus, the Court will deny the motion without prejudice to refiling if this matter survives screening. Plaintiff has also filed a motion seeking an extension of time to submit his initial partial filing fee. The Court grants the motion.

The deadline to submit the initial partial filing fee in the amount of \$8.50 is extended to May 15, 2026. IT IS THEREFORE ORDERED BY THE COURT that Plaintiff’s Motion for Appointment of Counsel (Doc. 4) is denied without prejudice. IT IS FURTHER ORDERED that Plaintiff’s Motion for Extension of Time to Pay Initial Partial Filing Fee (Doc. 6) is granted.

The deadline to submit the initial partial filing fee is extended to May 15, 2026. IT IS SO ORDERED. Dated April 10, 2026, in Kansas City, Kansas. S/ John W. Lungstrum JOHN W. LUNGSTRUM UNITED STATES DISTRICT JUDGE