

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

OPINION

Crum

PER CURIAM.

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, 2026, 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 refile 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