

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Daniel Z. Maldonado v. Endurance Warranty Services, LLC

No. 25-cv-03464-SKC-CYC (D. Colo. Feb. 19, 2026) · No. 25-cv-03464-SKC-CYC · Decided February 19, 2026

SUMMARY

The United States District Court for the District of Colorado denied without prejudice Plaintiff Daniel Z. Maldonado’s motion for appointment of counsel. The court found that the case was in its early stages, the claims did not appear unusually complex, and the plaintiff had not shown sufficient circumstances or merit to warrant requesting pro bono counsel.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Cyrus Y. Chung
JURISDICTION	United States District Court for the District of Colorado
DECIDED	February 19, 2026
DOCKET	25-cv-03464-SKC-CYC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff proceeding pro se moved for appointment of counsel in a civil action concerning an extended vehicle warranty policy.
STANDARD OF REVIEW	The court evaluated the discretionary request for appointment of counsel under factors concerning the apparent merits of the claims, the nature and complexity of the factual issues, the plaintiff’s ability to investigate and present the claims, inability to retain counsel, special circumstances, and the interests of justice.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Daniel Z. Maldonado v. Endurance Warranty Services, LLC

TOPICS

- civil procedure
- insurance
- contracts

PRACTICE AREAS

- civil procedure
- pro se litigation
- appointment of counsel
- contracts
- insurance

QUESTIONS PRESENTED

1. Whether the court should request pro bono counsel for a pro se civil litigant based on the apparent merits of the claims, case complexity, ability to investigate and present the claims, medical limitations, and interests of justice.
2. Whether the plaintiff's medical conditions and the early procedural stage of the case warranted appointment of counsel without prejudice to renewal later.

HOLDINGS

1. A civil litigant has no constitutional or statutory right to appointed counsel, and the court may request counsel only when the applicable discretionary factors, including the apparent merits, factual and legal complexity, ability to investigate and present the claims, special circumstances, and interests of justice, support doing so.
2. The plaintiff's asserted reasons did not warrant a request for counsel at the present stage, but the motion was denied without prejudice so that he could renew it if his circumstances materially changed.

KEY QUOTATIONS

"The burden is on the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel." (at 2)

"having counsel appointed would . . . assist[] him in presenting his strongest possible case," (at 3)

"For the foregoing reasons, the Plaintiff's Motion for Appointment of Counsel, ECF No. 20, is DENIED without prejudice." (at 4)

FACTUAL BACKGROUND

Maldonado filed a pro se federal complaint asserting claims related to an extended vehicle warranty policy purchased from Endurance Warranty Services, LLC. He alleged that type-II diabetes, foot pain, and medication side effects made it difficult to litigate without counsel. At the time of the motion, the case was at a very early stage, no Rule 16 scheduling conference had occurred, and the court found that Maldonado had competently participated in the litigation, including obtaining e-filing privileges.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint on October 30, 2025, and was granted leave to proceed in forma pauperis. Before the Rule 16 scheduling conference and while the case remained in its early stages, plaintiff moved for appointment of counsel. The court denied the motion without prejudice, permitting renewal if plaintiff's circumstances materially changed.

DISPOSITION

other

CASES CITED

- Fischer v. Dunning, 574 F. App'x 828, 832 (10th Cir. 2014)
- Moaz v. Denver Int'l Airport, 747 F. App'x 708, 711 (10th Cir. 2018)
- Rachel v. Troutt, 820 F.3d 390, 396-97 (10th Cir. 2016)
- Hill v. Smithkline Beecham Corp., 393 F.3d 1111, 1115 (10th Cir. 2004)
- McCarthy v. Weinberg, 753 F.2d 836, 837 (10th Cir. 1985)
- Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995)
- Diaz v. USI Ins. Servs., No. 18-cv-03280-NYW, 2019 WL 13444833, at *2 (D. Colo. Mar. 8, 2019)
- Jones v. Pizza Hut, Inc., No. 10-cv-00442-WYD-KMT, 2010 WL 1268048, at *1 (D. Colo. Mar. 30, 2010)
- Vasquez v. U.S. Off. of Pers. Mgmt., 847 F. Supp. 848, 849 (D. Colo. 1994)
- McCullon v. Parry, No. 18-cv-00469-NYW, 2019 WL 4645436, at *5 (D. Colo. Sept. 24, 2019)

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