

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEVEN S. BROWN,

Plaintiff,

v.

WARDEN VOORHIES, et al.,

Defendants.

Case No. 07-cv-13

JUDGE GREGORY L. FROST

Magistrate Judge Terence P. Kemp

OPINION AND ORDER

This matter is before the Court on Plaintiff's Motion for Relief from Order Pursuant to Rule 60(b). (ECF No. 267.) In that motion, Plaintiff asks the Court for an order relieving him from this Court's denial of his previous motion to appoint counsel. Rule 60(b) of the Federal Rules of Civil Procedure applies only to final judgments, not interlocutory orders. Fed. R. Civ. P. 60(b) ("On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding . . ."). A final judgment or order is one that conclusively determines the rights of the parties, leaving nothing for the court to do but execute the order. *Coopers & Lybrand v. Livesay*, 437 U.S. 463, 467, 57 L. Ed. 2d 351, 98 S. Ct. 2454 (1978). Denial of a motion to appoint counsel is not a final judgment, and therefore, Rule 60(b) does not apply to it.

This Court, however, may modify its prior interlocutory orders in cases still pending as long as no final order has been issued. See *Rodriguez v. Tenn. Laborers Health & Welfare Fund*, 89 F. App'x 949, 959 (6th Cir. 2004) (district courts have authority to reconsider interlocutory

orders and to reopen any part of a case before entry of final judgment). Here, the Court finds no good reason to reexamine its previous denial of Plaintiff's request for counsel. Accordingly, the Court **DENIES** Plaintiff's Motion for Relief from Order Pursuant to Rule 60(b). (ECF No. 267.)

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE