

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

RANDY COOPER,

Plaintiff,

v.

Civil Action No. 2:12-7462

JAMES RUBENSTEIN,
Commissioner of Corrections, and
DAVID BALLARD,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is plaintiff's motion to reconsider filed May 30, 2013.

On May 21, 2013, the court adopted in part the proposed findings and recommendation of the then-presiding magistrate judge in this matter. The court ordered that the plaintiff be given leave to file an amended complaint on or before June 14, 2013, respecting his claim that he suffered an unauthorized disclosure by prison officials of a key, and intensely private, component of his medical history. The court adopted the balance of the proposed findings and recommendation suggesting the dismissal of the plaintiff's remaining claims, which claims were dismissed on May 21, 2013. The matter was

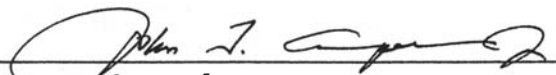
then recommitted to the magistrate judge for further development under the terms of the original referral order following receipt of the plaintiff's amended complaint.

On May 30, 2013, plaintiff filed his amended complaint. That same day, he filed the instant motion to reconsider and a notice of appeal. In the motion to reconsider, plaintiff appears to assert that he is entitled to injunctive relief. Insofar as he seeks such relief via his amended complaint, the matter will be taken up in due course by the magistrate judge. Plaintiff further challenges the decision to deny him counsel to pursue this action. As stated in the May 21, 2013, memorandum opinion and order, the court discerns no error in the magistrate judge's refusal to appoint counsel.

It is, accordingly, ORDERED that the plaintiff's motion to reconsider be, and hereby is, denied.

The Clerk is directed to forward copies of this order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: July 2, 2013



John T. Copenhaver, Jr.
United States District Judge