

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION

EMANUEL DEVOISE,
ADC #80821

PLAINTIFF

v.

2:08CV00161HLJ

STEPHEN V. LANE

DEFENDANT

ORDER

This matter is before the Court on plaintiff's motions to compel and for the appointment of counsel (DE ##22, 24). Defendant has filed a response in opposition to the motion to compel (DE #25).

In support of the motion, plaintiff states he has not been able to obtain copies of the East Arkansas Regional Unit (EARU) policies he previously requested from defendant, and he has not been permitted to view the recording of the incident at issue in this lawsuit. In his response, defendant provides to plaintiff copies of the policies requested, except for the policy which deals with hostage and emergency scenarios and escape procedures which would pose a threat to the security of the institution if disclosed. Defendant also states the video requested by plaintiff is digitally restored on a CD-ROM and will be preserved for trial.

Based on the response filed by defendant, the Court finds plaintiff's motion to compel should be denied.

In his motion for counsel, plaintiff states he has relied on several inmates in the past to help him with this lawsuit, and only one of those inmates currently is housed near to him. However, plaintiff states because he is housed in the maximum security area of the prison, he is not permitted to pass items to and from other inmates. Having reviewed plaintiff's motion, the Court finds it

should be granted. Accordingly,

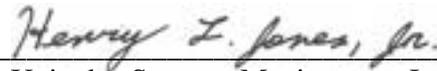
IT IS, THEREFORE, ORDERED that plaintiff's second motion to compel (DE #22) is hereby DENIED.

IT IS FURTHER ORDERED that plaintiff's motion for the appointment of counsel (DE #24) is hereby GRANTED. Pursuant to 28 U.S.C. § 1915(e)(1) and Local Rule 83.7, Charles D. McDaniel, 124 West Capitol Ave., Suite 1400, Little Rock, Arkansas 72201-3736, 501-376-4531, is hereby appointed to represent plaintiff Emanuel Devose in all further proceedings in this action.

THE CLERK IS HEREBY DIRECTED to send counsel and plaintiff a copy of this Order. Counsel is also directed to access and review Local Rule 83.7 regarding appointment of counsel, and Local Rule 83.6 regarding reimbursement of out-of-pocket expenses, through the Court's web site (www.are.uscourts.gov).¹ Pursuant to Rule 83.7, counsel must make written application to withdraw within fifteen (15) days; otherwise, the appointment will be effective.

Counsel shall be appointed for plaintiff by separate Order.

IT IS SO ORDERED this 30th day of March, 2009.


United States Magistrate Judge

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Counsel may review the case file once, at no charge, from the Court's PACER system, which may be accessed by registering through the Court's web site. Thereafter, appointed counsel shall contact the court-room deputy to obtain a copy of the file.