

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

NATHANIEL FITZGERALD,  
ADC #84210

PLAINTIFF

v.

3:09CV00065-SWW

RICHARD BUSBY, et al.

DEFENDANTS

**ORDER**

Plaintiff Nathaniel L. Fitzgerald commenced this action under 42 U.S.C. § 1983 against officers and employees of the Crittenden County Detention Center on claims of deliberate-indifference to serious medical needs, failure to protect, and excessive force. United States Magistrate Judge Beth Deere held an evidentiary hearing on August 20, 2010, and Plaintiff appeared with his court-appointed attorney and presented testimony and exhibits in support of his claims.

Following the hearing, Judge Deere issued findings and a recommended disposition, recommending that Plaintiff's claims be dismissed with prejudice. The Court adopted Judge Deere's recommendation and entered judgment dismissing this action with prejudice.

Now before the Court is Plaintiff's *pro se* motion for reconsideration in which he claims that his appointed counsel intentionally failed to call witnesses to testify at the August 20 hearing. Plaintiff's contention that he received inadequate representation from court-appointed counsel provides no basis for reconsideration. *See Watson v. Moss*,

619 F.2d 775, 776 (8<sup>th</sup> Cir. 1980)(finding no right to a new trial for alleged ineffective assistance of counsel appointed in a civil case pursuant to 28 U.S.C. § 1915(d)).

IT IS THEREFORE ORDERED that Plaintiff's motion for reconsideration (docket entry #140) is DENIED.

IT IS SO ORDERED THIS 24<sup>th</sup> DAY OF JANUARY, 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE