

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

BYRON L. CONWAY,
ADC #113285

PLAINTIFF

v.

4:09CV00409HLJ

LARRY NORRIS, et al.

DEFENDANTS

ORDER

This matter is before the Court on several motions filed by the plaintiff.

1) Motion for default judgment - In this motion, plaintiff asks for a default judgment against defendant P. Edwards. Summons was issued on July 13, 2009 as to the defendants, and according to the face of the return dated July 31, 2009, summons was returned executed as to defendant Edwards on July 31, 2009 (DE #27). However, on the third page of the summons document, the Arkansas Department of Correction indicated the summons was being returned as to defendant Edwards, noting he is employed by Correctional Medical Services, Inc. Therefore, the Court will deny plaintiff's motion without prejudice, and will direct the re-issuance of summons and service as to defendant Edwards.

2) Motion for copies - In this motion, plaintiff asks the defendants to send him copies of certain documents. The Court interprets this as a request for production from the defendants, and will direct the Clerk to remove this as a motion.

3) Motion for a protective order - The Court construes this motion as one for preliminary injunctive relief, and will direct defendants to file a response.

4) Motion to appoint counsel - The Court notes that the factual allegations in the complaint are not complex, the legal issues are very straightforward, and plaintiff has thus far demonstrated

adequate ability to place his claims before the Court. Therefore, the Court will deny plaintiff's request for counsel at this time. Accordingly,

IT IS THEREFORE, ORDERED that plaintiff's motion for a default judgment (DE #39) is hereby DENIED without prejudice. The Clerk of the Court shall prepare summons for the defendant Dr. P. Edwards and the United States Marshal is hereby directed to serve a copy of the original (DE #2) and amended complaints (DE #9) and summons on defendant in care of Humphries and Lewis Law Firm, P.O. Box 20670, White Hall, AR 71612, without prepayment of fees and costs or security therefore.

IT IS FURTHER ORDERED that plaintiff's motion for copies (DE #40) should be construed as a request for production from the defendants, and thereby removed from the pending motions list.

IT IS FURTHER ORDERED that defendants shall file a response to plaintiff's motion for a protective order (DE #41), which this Court construes as a motion for preliminary injunction, within fifteen days of the date of this Order.

IT IS FURTHER ORDERED that plaintiff's motion for the appointment of counsel (DE #42) is hereby DENIED without prejudice.

IT IS SO ORDERED this 29th day of September, 2009.

Henry L. Jones, Jr.

United States Magistrate Judge