

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**MICHAEL S. GRIFFIS
ADC # 134561, et al**

PLAINTIFFS

v.

NO: 5:08CV00290 BSM

JAMES BLACKMON, et al

DEFENDANTS

ORDER

On December 15, 2008, plaintiff filed his objections to court orders and request for review. The court liberally construes plaintiff's objection as a motion for reconsideration pursuant to 28 U.S.C. § 636(b)(1)(A) of the orders denying plaintiff's motion for appointment of counsel and leave to proceed *in forma pauperis* (Doc. Nos. 10 and 12) entered by Judge Cavaneau, and a motion to reconsider the undersigned's order dismissing Edward D. Schuler (Doc. No. 8).

On November 18, 2008, Judge Cavaneau entered an order directing plaintiffs Griffis and Schuler to submit an amended complaint containing the information specified in the order and complete *in forma pauperis* applications, including the required calculation sheet, and directing plaintiff Schuler to sign, date, and return the last page of the complaint on or before December 18, 2008. The order advised plaintiffs that failure to make a timely and complete response to the order would result in the recommended dismissal of their case without prejudice.

The undersigned entered an order on December 1, 2008, granting plaintiff Edward Schuler's motion to be dismissed as a party, as Mr. Schuler represented that he did not

participate in the filing of the complaint and did not wish to be a plaintiff. On December 8, 2008, Judge Cavaneau entered an order denying plaintiff's motion for appointment of counsel and rejecting any objection to plaintiff Schuler's motion to be voluntarily dismissed from the case. On December 9, 2008, Judge Cavaneau entered an order directing the Clerk of the Court to note that plaintiff's original and incomplete motion to proceed *in forma pauperis* has been denied.

In his objection, plaintiff requests that the "senior presiding judge of the Eastern District Court of Arkansas" review the court's orders. He states that the calculation sheet was inadvertently not sent, but that the oversight "is being corrected immediately." After reviewing the record, the court cannot say that Judge Cavaneau's denial of plaintiff's motions for appointment of counsel and to proceed *in forma pauperis* were clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A). Plaintiff's objections are without merit because plaintiff has still failed to file a proper *in forma pauperis* application and amended complaint. Furthermore, the court declines to reconsider the order granting plaintiff Schuler's motion to be voluntarily dismissed.

The court will allow defendant an additional ten (10) days from the date of this order to comply with the November 18, 2008, order to submit a completed *in forma pauperis* application, including the required calculation sheet, and amended complaint. If plaintiff fails to fully and timely comply with this order, his case will be dismissed without prejudice.

Accordingly, plaintiff's motion for reconsideration (Doc. No. 14) is denied.

Plaintiff is directed to comply with the November 18, 2008, order to submit a completed *in forma pauperis* application, including the required calculation sheet, and amended complaint within ten (10) days of the date of this order. The Clerk of the Court is directed to attach a copy of the order dated November 18, 2008, for plaintiff's review.

IT IS SO ORDERED this 19th day of December, 2008.


UNITED STATES DISTRICT JUDGE