

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No 13-cv-01574-RBJ-BNB

NATHANIEL JAMES HARVEY, III,

Plaintiff,

v.

CATHERINE SEGURA, in her official and individual capacity and
LT. BRET LANG, (Unit 4), in his official capacity,

Defendants.

ORDER

This matter is before the Court on a number of motions recently filed by the plaintiff [ECF Nos. 91, 92, 99, 101, & 102]. The Court hereby denies all five motions for the following reasons:

ECF No. 91: Motion to Appoint Counsel

Mr. Harvey has filed motions for the appointment of counsel five times. [ECF Nos. 15, 26, 41, 68, 91]. His requests have already been denied four times, and at least once on the merits. [ECF Nos. 17, 31, 46, 80]. The matter has been decided. The motion is therefore denied.

ECF No. 92: Motion for Subpoena of Expert Witness

Mr. Harvey asks this Court to help him find an expert witness and then to subpoena that witness. It is not the proper role of the Court to find or identify expert witnesses. That obligation belongs to the parties. The motion is therefore denied.

ECF No. 99: Motion to Amend Newly Submitted Complaint

This motion is effectively a renewed motion which has already been denied. [ECF Nos. 97 & 98]. The Court hereby denies the renewed motion. The plaintiff is **not** granted leave to file an amended complaint in this action. As such, the Third Amended Complaint [ECF No. 103] shall be stricken as it was filed without leave of this Court.

ECF No. 101: Motion for Preliminary Injunction

The relief requested goes outside the scope of the Second Amended Complaint, and the Court already denied leave for Mr. Harvey to amend the complaint [Doc. 98]. The Court has also denied the renewed motion to amend the complaint [ECF No. 99] in this Order. This motion is therefore denied.

ECF No. 102: Motion and Affidavit for Leave to Proceed Under 28 U.S.C. § 1915

Mr. Harvey asks this Court to permit him to proceed in forma pauperis. However, Mr. Harvey is already proceeding as such. *See* June 19, 2013 Order [ECF No. 9]. The motion is therefore denied as moot.

It is hereby ORDERED that Plaintiffs' Motions [ECF Nos. 91, 92, 99, 101, & 102] are DENIED. It is further ORDERED that the Clerk of the Court will strike the Third Amended Complaint filed at Docket #103.

DATED this 16th day of July, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", with a long, sweeping horizontal stroke extending to the right.

R. Brooke Jackson
United States District Judge