

UNITED STATES DISTRICT COURT  
 DISTRICT OF CONNECTICUT

LUIS ANGEL LEBRON :  
 :  
 v. : Case No. 3:06cv1849 (WWE) (HBF)  
 :  
 B. MURPHY, et al. :

RULING AND ORDER

Plaintiff has filed two motions, a Motion Compelling Discovery, Sanctions and Default and a Motion for Appointment of Counsel.

Plaintiff's discovery motion was filed in July 2009. He states that the defendants have not provided any of his requested discovery. The defendants filed their response to the motion to compel in February 2010.<sup>1</sup> They state that they have complied with many of the discovery requests and have engaged in some settlement negotiations. The defendants contend that the remaining outstanding requests are overbroad and not calculated to lead to the discovery of admissible evidence. They ask the court to schedule a telephone conference to resolve the remaining discovery issues and explore the possibility of settlement.

It appears from the letters submitted by the defendants that

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<sup>1</sup>The defendants do not explain why they failed to respond to the motion for over six months.

some progress has been made in resolving the discovery issues. For that reason, plaintiff's motion to compel, imposition of sanctions and entry of default judgment is denied. That progress, however, has been painfully slow. To resolve the remaining discovery issues and prepare this case for trial, the court will schedule a telephonic status conference. The parties shall be prepared to discuss any remaining discovery issues and set a firm schedule to move this case to trial. In addition, the parties shall be prepared to discuss the possibility of settlement.

In his second motion, plaintiff seeks appointment of pro bono counsel. He states that appointment is necessary because inmates are not allowed to view personal information regarding correctional officers and that "a lot of personal information and documents" will be required to prosecute this case. Doc. #53 at 2. He also requests counsel to resolve the outstanding discovery issues. The court will address the outstanding discovery issues at the telephone conference. Thus, appointment of counsel is not required at this time. If the court finds that access to restricted information is necessary to prosecute this case, plaintiff may renew his request for appointment of counsel during the telephone conference.

In conclusion, plaintiff's Motion Compelling Discovery, Sanctions and Default [**doc. #52**] and Motion for Appointment of

Counsel [doc. #53] are **DENIED** without prejudice. The defendants' request for a telephone conference is granted. The parties will be notified once the conference has been scheduled.

**SO ORDERED.**

Entered this 9th day of March 2010, at Bridgeport,  
Connecticut.

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HOLLY B. FITZSIMMONS  
UNITED STATES MAGISTRATE JUDGE