

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

JAI BROWN,

Plaintiff,

v.

CASE NO. 4:17cv118-RH/CAS

WARDEN BARFIELD et al.,

Defendants.

_____ /

**ORDER DENYING THE MOTION
TO ALTER THE JUDGMENT**

This case is before the court on the magistrate judge's second report and recommendation, ECF No. 18. The plaintiff has not filed objections but has moved to appoint an attorney.

The order of dismissal, ECF No. 16, correctly noted that the first amended complaint failed to state a claim on which relief could be granted and that, although the plaintiff asserted he should be given leave to file a second amended complaint, he had not alleged any viable basis for a claim. The plaintiff has moved to alter the judgment, again indicating he should be given leave to amend. But the

plaintiff still has not alleged facts suggesting he could assert a viable claim, even with an attorney's assistance. Accordingly,

IT IS ORDERED:

1. The second report and recommendation is accepted and adopted as the court's opinion.

2. The plaintiff's motion, ECF No. 17, to alter the judgment is denied.

3. The motion to appoint an attorney, ECF No. 19, is denied.

SO ORDERED on September 12, 2017.

s/Robert L. Hinkle

United States District Judge