

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

WILLIAM MARK MIZE,

Plaintiff

v.

WALTER ZANT, Warden,

Defendant

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5:00-CV-80 (WDO)

ORDER

This matter is before the Court on Plaintiff Mize's motion to enforce provisions of a consent decree as it relates to various alleged issues in the prison where Plaintiff is incarcerated. Plaintiff also filed a motion in which he requests various forms of preliminary relief. Plaintiff's motion to "reaffirm" the class is **DENIED WITHOUT PREJUDICE**. Plaintiff has not shown that (1) this is an avenue of relief that would address any wrongs he is alleging and (2) at this stage any declaration of a class or its members would be premature. Plaintiff's motion to appoint counsel is **DENIED WITHOUT PREJUDICE**. Plaintiff failed to show he should be granted counsel at government expense. Based on a review of the arguments Plaintiff has presented, it appears the Court will be able to rule on Plaintiff's motions as presented without the necessity of counsel. If however the Court at any time in the future believes counsel is necessary, the Court will take the matter under advisement at that time. Plaintiff's motion to enforce all previous orders is **DENIED** as vague, and again is a motion that fails to request an avenue of relief that would address any violation he is

alleging. Plaintiff's motion for an injunction and/or a temporary restraining order is DENIED as Plaintiff has not shown a "substantial likelihood" of success on the merits regarding his claims. Plaintiff's request for a "compliance conference" is DENIED. At this time a hearing is unnecessary and a hearing will not be scheduled unless the Court determines that it cannot make a decision based on the arguments and evidence presented in the parties' briefs. Plaintiff's motion to "bar retaliation" is DENIED due to the vague nature of the complaints made in his motion. Plaintiff's motion for the Court to order the Defendants to "show cause" why they are violating a consent decree is DENIED as premature. There has been no evidentiary showing that the Defendants have violated any type of consent decree or any previous order of the Court. Finally, Plaintiff's motion for a hearing and for sanctions against the Defendants is DENIED as premature. Whether a hearing or sanctions is necessary will not be determined until the Court has heard from all parties. For that purpose, Defendants are ORDERED to respond to Plaintiff's Motion for Contempt and Modification of Consent Decree by no later than December 15, 2006. Plaintiff may file a reply by no later than January 5, 2007. Finally, all parties are ordered to file these briefs and any other memoranda related to this case in 5:00-CV-80 (WDO).

SO ORDERED this 15th day of November, 2006.

**S/
WILBUR D. OWENS, JR.
UNITED STATES DISTRICT JUDGE**