

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

**LAMARCUS THOMAS,**

**Plaintiff,**

**v.**

**EDWARD HALE BURNSIDE, et al.,**

**Defendants.**

**CIVIL ACTION NO. 5:13-CV-108 (MTT)**

**ORDER**

Before the Court is the Recommendation of Magistrate Judge Charles H. Weigle. (Doc. 97). The Magistrate Judge recommends granting the Defendants' motion for summary judgment (Doc. 90) and denying the Plaintiff's motion for order to show cause (Doc. 95), which the Magistrate Judge construes as a motion to appoint counsel. The Plaintiff has not objected to the Recommendation. The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Defendants' motion for summary judgment (Doc. 90) is **GRANTED** and the Plaintiff's motion for order to show cause (Doc. 95), construed as a motion to appoint counsel, is **DENIED**.<sup>1</sup>

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<sup>1</sup> On May 12, 2014, the Plaintiff filed a letter in which he first asks whether his § 2254 habeas corpus petition has been processed and then asks how the Court would respond if he were to refile his motion for a preliminary injunction since it was denied. (Doc. 83). To the extent the letter can be construed as a motion for reconsideration of the Court's Order adopting the Recommendation denying his motion for a preliminary injunction (Docs. 73; 79), that motion is **DENIED**. "Reconsideration is appropriate only if the movant demonstrates (1) that there has been an intervening change in the law, (2) that new evidence has been discovered which was not previously available to the parties in the exercise of due diligence, or (3) that the court made

**SO ORDERED**, this 23rd day of January, 2015.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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a clear error of law.” *Bingham v. Nelson*, 2010 WL 339806, at \*1 (M.D. Ga.) (internal quotation marks and citation omitted). The Plaintiff has not shown any of the above factors that would warrant reconsideration.