

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

FILED
U.S. DISTRICT COURT
AUGUSTA, GA.

2010 MAR -2 P 2:08

DUBLIN DIVISION

CLERK *B. McArthur*

JASON MAZUCH,)	
)	
Plaintiff,)	
)	
v.)	CV 308-018
)	
ROBERT ROSIER, Warden of Security,)	
et al.,)	
)	
Defendants.)	

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed.¹ Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff's motion for summary judgment (doc. no. 35) is **DENIED**,

¹Along with his objections to the Report and Recommendation, Plaintiff filed a motion to reconsider the Order denying him assistance of counsel and motion to voluntarily dismiss his claim for retaliation against Defendant Joe Harmon. (Doc. nos. 46-1, 46-2). In light of the Report and Recommendation, Plaintiff's request for a voluntary dismissal of Defendant Harmon (doc. no. 46-2) is **DENIED**. Concerning his motion for reconsideration, Plaintiff reiterates his argument that he believes that he has trouble communicating with the Court, and thus should be appointed counsel. As previously explained by Order dated December 4, 2008, addressing this very argument, as a general rule, there is no entitlement to appoint counsel in a civil rights case, such as this one, brought pursuant to 42 U.S.C. § 1983. Dean v. Barber, 951 F.2d 1210, 1216 (11th Cir. 1992) (citations omitted). Plaintiff has offered no new information, therefore, he presents no compelling reason in his motion, to reconsider the Order denying him appointment of counsel. As such, Plaintiff's motion for reconsideration (doc. no. 46-1) is **DENIED**.

Defendants' motion for summary judgment (doc. no. 39) is **GRANTED**, a final judgment shall be **ENTERED** in favor of Defendants, and this civil action be **CLOSED**.

SO ORDERED this 2nd day of March, 2010, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE