

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>OBIEKWE STEPHEN OKWUDIL</b>	)	
<b>UGOCHUKWU,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CIVIL NO. 06-443-MJR</b>
<b>vs.</b>	)	
	)	
<b>FRED BALLARD, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

Several motions appear pending in this action. However, a review of the activity in this case prior to its transfer to this District indicates that some of these motions have already been ruled upon. Specifically, Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) and his first motion for appointment of counsel (Doc. 3) were granted by Judge Ruben Castillo (*see* Doc. 6). Likewise, Plaintiff's motion to transfer the case (Doc. 7) was also granted by Judge Castillo (*see* Doc. 8). Therefore, these motions should not appear as pending motions on this Court's docket, and they are now **MOOT**.

Three other motions remain pending. First is Plaintiff's motion to appoint the U.S. Marshal to effect service upon Defendants (Doc. 4). Service will not be ordered, however, until the Court completes a preliminary review of the complaint. See 28 U.S.C. § 1915A. Therefore, this motion is **DENIED** without prejudice.

Next is Plaintiff's motion for access to his medical records (Doc. 5). Essentially this is a discovery motion, but such a motion is premature, *see* FED.R.CIV.P. 34, 37. It is therefore **DENIED**

without prejudice.

Finally, Plaintiff has filed a new motion for appointment of counsel (Doc. 11), as counsel that was appointed in the Northern District was allowed to withdraw from representation once the action was transferred to this District (*see* Doc. 8). Until the Court has completed a preliminary review of the complaint, *see* 28 U.S.C. § 1915A, this request is premature. Therefore, the motion for appointment of counsel is **DENIED** without prejudice. Once the Court has completed that preliminary review, Plaintiff may renew his request at that time, if necessary.

**IT IS SO ORDERED.**

**DATED this 26<sup>th</sup> day of March, 2007.**

**s/ Michael J. Reagan**  
**MICHAEL J. REAGAN**  
**United States District Judge**