

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SHARVELT MISTER,

Plaintiff,

v.

T.J. COLLINS, *et al.*,

Defendants.

Case No. 06-cv-978-JPG-CJP

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Sharvelt Mister's "Motion to Alter the Judgment" (Doc. 73), which the Court construes as an appeal of Magistrate Judge Clifford J. Proud's March 2, 2010 order (Doc. 68) denying two of Mister's motions for appointment of counsel (Docs. 46 and 54). Magistrate Judge Proud found that, although Mister has a limited education, he has more than adequately demonstrated the ability to prosecute his relatively straightforward claims without the assistance of counsel, especially in light of the Court's willingness to allow extra time for tasks that may require it because of Mister's inmate status. The Court notes that in his appeal documents, Mister makes coherent arguments and cites relevant caselaw.

A district court reviewing a magistrate judge's decision on nondispositive issues should only modify or set aside that decision if it is clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A). Accordingly, the Court will affirm Magistrate Judge Proud's decision unless his factual findings are clearly erroneous or his legal conclusions are contrary to law. *Id.*

The Court has reviewed Mister's motions and Magistrate Judge Proud's order ruling on

them and has found that the order is not clearly erroneous or contrary to law. Accordingly, the Court **AFFIRMS** the order (Doc. 68) and **OVERRULES** Mister's objection (Doc. 73).

**IT IS SO ORDERED.**

**DATED: March 26, 2009**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**