

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

ERIK C. STRICKLAND,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:14-cv-962-NJR-DGW
	)	
S A GODINEZ, et al.,	)	
	)	
Defendants.	)	

**ORDER**

**WILKERSON, Magistrate Judge:**

Now pending before the Court is the Motion for Miscellaneous Relief and/or for Clarification filed by Plaintiff on June 8, 2015 (Doc. 65). Plaintiff has indicated that he has not received various documents filed in this matter. In particular he states that he received a docket text disposing of various motions but did not receive the actual written order associated with the docket entry (Doc. 59). The Court notes that, through a docketing error, Document 59 does not contain the Order that is referenced in the docket text; rather it contains another copy of the Report and Recommendation issued on the same day, April 20, 2015 (Doc. 58). The Clerk of Court is accordingly **DIRECTED** to **STRIKE** Document 59.

It is further **ORDERED** that the Motion for Recruitment of Counsel is **DENIED** (Doc. 54) for the reasons set forth in this Court’s previous Order (Doc. 19). At the hearing on the Motion for Preliminary Injunction, Plaintiff did appear unsure as to what procedures govern this matter and how to proceed in this matter. However, subsequent filings by the Plaintiff reveal that he is capable of following the Court’s direction and seeking relief. Accordingly, counsel will not be recruited in this matter.

The Motion for Leave to File Amended Complaint is **DENIED WITHOUT**

**PREJUDICE** (Doc. 55). Plaintiff seeks to add to his Complaint a corrected affidavit, the reverse side of page 2 of Exhibit A, pages 15, 28, 33, and 41 of Exhibit A, and Exhibits E and H. These documents have been noted, by the Clerk of Court, to be missing from the Complaint (except for the reverse of page 2 to Exhibit A). Plaintiff has not provided the documents for the Court's review. Plaintiff shall provide the documents as an attachment to any future Motion to Amend.

The Motion to Direct the Clerk is **GRANTED IN PART** (Doc. 56). Plaintiff states that he has not received various docket entries including entries 7, 21, 31, 40, 48, 49, and 50. Documents 7 and 21 are Plaintiff's trust fund account statements to which he should have access and could request a copy from prison authorities and Document 31 is a stricken docket entry. These entries will not be copied for Plaintiff. As a one-time courtesy, however, the Clerk of Court is **DIRECTED** to copy and send to Plaintiff documents 40, 48, 49, and 50 along with this Order. Plaintiff also has filed a Motion for Miscellaneous Relief (Doc. 65) which also states that he did not receive the Order associated with Document 59 (addressed above). The Motion for Miscellaneous Relief is accordingly **GRANTED IN PART** in that certain documents shall be sent to Plaintiff, but is **DENIED IN PART** as to any additional relief that Plaintiff may be seeking.

Finally, the Motion to Withdraw Affirmative Defense is **GRANTED** (Doc. 57). The affirmative defense of failure to exhaust asserted by Defendants Godinez, Bates, Hodge, Gaetz, Keim, Duncan, Tredway, Vaughn, Harper and Loy is deemed **WITHDRAWN**.

**IT IS SO ORDERED.**

**DATED: August 20, 2015**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**