

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

MARCUS RICHARDSON,)	
)	
Plaintiff,)	
)	
vs.)	2:11-cv-161-JMS-WGH
)	
DICK BROWN, et al.,)	
)	
Defendants.)	

Entry Discussing Selected Matters

I.

The plaintiff's motion to reconsider the denial of his motion for appointment of counsel in paragraph 4 of the Entry issued on January 30, 2012 [36], and his motion to reconsider the order pertaining to discovery in paragraph 1 of that same Entry [35] are each denied. *See Patel v. Gonzales* 442 F.3d 1011, 1015-1016 (7th Cir. 2006) ("A motion to reconsider asks that a decision be reexamined in light of additional legal arguments, a change of law, or an argument that was overlooked earlier . . ."). None of the foregoing grounds are present here.

II.

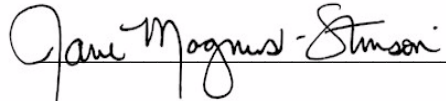
The defendants have challenged the legal sufficiency of the claim through their motion for judgment on the pleadings. That motion [38] is denied because the authorities relied on in support of that motion are implicated only when an inmate has been sanctioned in a fashion which is expected to extend the expected duration of his confinement. That type of sanction is not mentioned in either the amended complaint or the answer. Accordingly, although it is true that the decision in *Heck v. Humphrey*, 512 U.S. 477 (1994), was extended in *Edwards v. Balisok*, 520 U.S. 641 (1997), those cases have not been shown to apply to the plaintiff's claims. Accordingly, the defendants are not entitled to judgment on the pleadings based on the argument they advance.

III.

The defendants' motion to stay discovery [40] is denied as moot.

IT IS SO ORDERED.

Date: 03/14/2012

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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