

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JEREMIAH YOUNG,)	
)	
Plaintiff,)	
)	
v.)	1:16-cv-00407-JAW
)	
DEPARTMENT OF CORRECTIONS,)	
et al.,)	
)	
Defendants.)	

**ORDER OVERRULING OBJECTION TO ORDER ON
MOTION TO APPOINT COUNSEL**

On August 10, 2016, Jeremiah Young, acting pro so, filed a complaint against the state of Maine Department of Corrections, Sergeant Harvey, and Corrections Officer Jordan Miller (the State Defendants) under 42 U.S.C. § 1983, alleging that, despite prior notice from Mr. Young, the Department and these officers failed to protect him against threats being made against him by a fellow inmate in the Maine State Prison, and that the inmate subsequently assaulted him, causing him considerable pain and suffering. *Compl.* (ECF No. 1). On August 10, 2016, Mr. Young moved to be allowed to proceed in forma pauperis, and the Magistrate Judge granted that motion on August 11, 2016. *Mot. for Leave to Proceed In Forma Pauperis* (ECF No. 2); *Order Granting Mot. for Leave to Proceed In Forma Pauperis* (ECF No. 4). On November 15, 2016, the State Defendants filed an answer to Mr. Young’s Complaint. *Answer* (ECF No. 12).

On December 2, 2016, Mr. Young moved the Court to appoint counsel to represent him in the pending action. *Mot. for Appointment of Counsel* (ECF No. 14). On December 30, 2016, the Magistrate Judge denied the motion, noting that Mr. Young failed to demonstrate “exceptional circumstances” necessary to warrant the appointment of counsel. *Order on Mot. to Appoint Counsel* (ECF No. 15). On January 13, 2017, Mr. Young moved for reconsideration of the order to the Magistrate Judge and also objected to the Order to this Court. *Mot. for Recons. for Court Appointed Counsel; Objection to Order Fed. R. Civ. P. 72* (ECF Nos. 16 and 17). On January 19, 2017, the Magistrate Judge denied Mr. Young’s motion for reconsideration. *Order on Mot. for Recons.* (ECF No. 18).

As the appointment of counsel is a non-dispositive matter, the legal standard for this Court’s review of the Magistrate Judge’s orders is whether the Magistrate Judge’s decision is “clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A). Here, Mr. Young has not provided a convincing basis for the Court to conclude that his case presents “exceptional circumstances” within the meaning of *DesRosiers v. Moran*, 949 F.2d 15, 23-24 (1st Cir. 1991). Accordingly, the Court overrules Mr. Young’s objection to the orders of the Magistrate Judge.

The Court **OVERRULES** Jeremiah Young’s Objection to Order (ECF No. 17), and **AFFIRMS** the Order on Motion to Appoint Counsel (ECF No. 15).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 31st day of January, 2017