

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL ROBBINS,

Plaintiff,

No. 11-15140

v.

District Judge Robert H. Cleland  
Magistrate Judge R. Steven Whalen

JOHN PAYNE, ET AL.,

Defendants.

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**ORDER DENYING APPOINTMENT OF COUNSEL**

Plaintiff Michael Robbins, a prison inmate in the custody of the Michigan Department of Corrections (“MDOC”), has filed a *pro se* civil complaint pursuant to 42 U.S.C. § 1983, alleging deliberate indifference to his medical needs in violation of the Eighth Amendment. Before the Court is Plaintiff’s second motion to appoint counsel [Doc. #37].

On October 17, 2012, this Court denied Plaintiff’s previous motion to appoint counsel as premature, citing *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993),

and noting that it is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. *See* Doc. #33. The dispositive motion cut-off date is June 30, 2013. Until Plaintiff has survived any dispositive motions, including ones that have yet to be filed, his request for counsel is still premature.

Accordingly, Plaintiff's second motion to appoint counsel [Doc. #37] is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Date: May 29, 2013

s/ R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on May 29, 2013, electronically and/or by U.S. Mail.

s/ Michael Williams  
Relief Case Manager for the Honorable  
R. Steven Whalen