

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOE MALDONADO, JR.,

Plaintiff,

v.

Case No. 13-12857

LAWRENCE BUNTING and
MICHIGAN APPELLATE
ASSIGNED COUNSEL SYSTEM,

Defendants.

ORDER DENYING PLAINTIFF'S OBJECTION

Plaintiff Joe Maldonado, Jr., filed *pro se* a 42 U.S.C. § 1983 civil-rights complaint and moved for an appointment of counsel. The court denied Plaintiff's motion for appointment of counsel and summarily dismissed his complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). Plaintiff now submits an "Objection," which is construed as a motion for reconsideration. Local Rule 7.1(h)(3) requires a movant for reconsideration to identify a "palpable," *i.e.*, unmistakable, defect in a ruling. See *Hawkins v. Genesys Health Systems*, 704 F. Supp. 2d 688, 709 (E.D. Mich. 2010).

Plaintiff argues that the court erred in finding Defendants immune from suit. He cites *Pearson v. Callahan*, 555 U.S. 223 (2009), which held that state law-enforcement officers who conducted a warrantless search of a suspect's home were entitled to qualified immunity. Plaintiff concludes from *Pearson* that Defendants are not immune from suit because they committed a constitutional violation. But one Defendant, attorney Lawrence Bunting, is not subject to § 1983 because he never acted under color

of state law, and the other Defendant, the Michigan Appellate Assigned Counsel System, enjoys sovereign immunity under the Eleventh Amendment. Plaintiff is not entitled to the relief he seeks. Accordingly,

IT IS ORDERED that the "Objection" [Dkt. # 7], construed as a motion for reconsideration, is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 3, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 3, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522