

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael John Husten,

Plaintiff,

v.

Case No. 17-cv-3366 (JNE/SER)
ORDER

Minnesota Department of Corrections; Tom Roy; Dr. David A. Paulson, M.D.; Dr. Stephen Craane, M.D.; Kathy Reid, H.S.A.; Centurion Health Services Provider; Jane Doe, director of operations for MINNCOR Industries at MCF - Oak Park Heights; Steve Hamann; Bruce Reiser; Michelle Smith; Tammy Wherley; John Doe Hobson, chaplain at MCF - Stillwater; John Does, correctional officers in the segregation housing unit at MCF - Oak Park Heights; John Doe Weber, correctional officer sergeant at MCF - Oak Park Heights; Mary Tschida; Michael Costello; Kevin Monio; Nicole Mulvehill; Jane Doe Henry, mailroom worker at MCF - Oak Park Heights; John/Jane Does, department supervisors of the mailroom at MCF - Oak Park Heights; David Reishus; Jeanne Michels; Sue Lebenow; Sue Farmer; Cassidy Pike; John Doe Uran, correctional officer lieutenant at MCF - Oak Park Heights; Eddie Miles; Jane/John Doe, associate warden operations at MCF - Stillwater; and Randy Leiffort,

Defendants.

In a Report and Recommendation dated February 15, 2018, the Honorable Steven E. Rau, United States Magistrate Judge, recommended that Plaintiff's motions to amend, motion for extension of time, motion for summary judgment or partial summary

judgment, and motion for a temporary restraining order be denied. The magistrate judge also recommended that this case be dismissed without prejudice. No objection to the Report and Recommendation has been received.

Plaintiff filed a motion for appointment of counsel after the magistrate judge issued the Report and Recommendation. In a declaration that Plaintiff filed to support the motion, he stated that he is incarcerated, that he believes he has meritorious claims, that he has chronic organ diseases, that he is facing a deadline to submit a petition under 28 U.S.C. § 2254 (2012), and that he is no longer capable of representing himself.

The Court has reviewed the record. Based on that review, the Court accepts the recommended disposition. Plaintiff has not demonstrated that appointment of counsel is appropriate. *See* 28 U.S.C. § 1915(e)(1) (2012); *Ward v. Smith*, 721 F.3d 940, 942-43 (8th Cir. 2013). The motion for appointment of counsel is denied.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Plaintiff's motions to amend [Docket Nos. 42 and 43] are DENIED.
2. Plaintiff's motion for extension of time [Docket No. 46] is DENIED.
3. Plaintiff's motion for summary judgment or partial summary judgment [Docket No. 48] is DENIED.
4. Plaintiff's motion for temporary restraining order [Docket No. 49] is DENIED.
5. Plaintiff's motion for appointment of counsel [Docket No. 58] is DENIED.

6. This action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 21, 2018

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge