

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

RICHARD MOORE

PLAINTIFF

v.

CAUSE NO. 1:16CV148-LG

**UNITED STATES PROBATION,
UNITED STATES DEPARTMENT OF JUSTICE,
VALRIE PETERS, United States Probation Officer,
SHERIFF LEO MASK, and DEPUTY PATTERSON**

DEFENDANTS

CONSOLIDATED WITH

RICHARD MOORE

PLAINTIFF

v.

CAUSE NO. 3:16CV279-LG

**PONTOTOC COUNTY SHERIFF'S DEPARTMENT and
LEO MASK**

DEFENDANTS

CONSOLIDATED WITH

RICHARD MOORE

PLAINTIFF

v.

CAUSE NO. 3:16CV280-LG

**UNITED STATES PROBATION,
DEPARTMENT OF JUSTICE, and LORETTA LYNCH**

DEFENDANTS

HEARING NOTICE AND ADVISORY TO PLAINTIFF

BEFORE THE COURT are the identical Motions to Dismiss filed by Plaintiff Richard Moore in the above-captioned cases. (ECF No. 19 in 1:16cv148; ECF No. 13 in 3:16cv279; and ECF No. 11 in 3:16cv280). Plaintiff Moore filed these actions while he was incarcerated by the Federal Bureau of Prisons, and was subsequently granted permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

Plaintiff has since been released, and has now filed the subject Motions to Dismiss. After reviewing the Motions, it is unclear to the Court whether Plaintiff intends to dismiss all or merely some of his claims. Accordingly, the Court is of the opinion that a hearing is necessary in this matter to determine whether to issue process and, if so, to whom process should issue. **No process will issue and no discovery may be conducted prior to the hearing.**

Although Plaintiff was previously denied appointment of counsel, if the Court determines that counsel should be appointed after observing Plaintiff at the hearing, it will do so *sua sponte*. However, the Court notes for Plaintiff that there is no automatic right to the appointment of counsel in a civil case such as this one. *See, e.g., Branch v. Cole*, 686 F.2d 264, 266 (5th Cir. 1982); *see also Salmon v. Corpus Christi Indep. Sch. Dist.*, 911 F.2d 1165, 1166 (5th Cir. 1990) (“There is no automatic right to the appointment of counsel; and in a civil case a federal court has considerable discretion in determining whether to appoint counsel.”). Rather, appointment of counsel is reserved for cases that present exceptional circumstances. *See, e.g., Freeze v. Griffith*, 849 F.2d 172, 175 (5th Cir. 1988); *Good v. Allain*, 823 F.2d 64, 66 (5th Cir. 1987).

Finally, Plaintiff is cautioned that it is his responsibility to immediately notify the Clerk of Court in writing of any change in his address. He shall caption any such change of address advisories as “Notice to the Court of Change of Address” and not include any motions or other matters in such notice. This notice shall contain only information pertaining to the address change and the effective date of

such change of address. Failure by Plaintiff to immediately notify the Clerk of Court of any change in his mailing address will be interpreted by the Court as a failure to prosecute and may result in dismissal of this action.

IT IS THEREFORE ORDERED that a hearing, as discussed herein, is set for **Thursday, April 13, at 9:00 a.m.**, at 911 Jackson Avenue, Federal Building, Courtroom 2, Oxford, Mississippi, before United States District Judge Louis Guirola, Jr. **Plaintiff is cautioned that failure to appear at the hearing or to otherwise comply with this Order could result in dismissal of these consolidated cases without further notice.**

The Clerk is **ORDERED** to mail a copy of this Order via certified mail, return receipt requested, to Plaintiff at the address provided, and to file a copy of the return receipt once it is received.

SO ORDERED AND ADJUDGED this the 23rd day of February, 2017.

s/ Louis Guirola, Jr.

Louis Guirola, Jr.
Chief United States District Judge