

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

SAMUEL E. HALEY, JR.,

Plaintiff,

vs.

CMS, et. al.,

Defendants.

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No. 1:09-CV-144-SNLJ

MEMORANDUM AND ORDER

On September 19, 2012, this Court granted summary judgment to the remaining defendants in this case (#217). This matter is currently on appeal before the United States Court of Appeals for the Eighth Circuit. Before the Court is plaintiff's "Emergency Request for the Appointment of Counsel Due to Medical Health and Very Extenuating Circumstances." (#239.) Plaintiff states that he has been moved to federal custody and that the "sheriff deputy" will not give him his legal papers.

As this case is currently on appeal, the Court is without jurisdiction to take any action requested by the plaintiff. If plaintiff believes his Constitutional rights are being violated, then he may file a new lawsuit against those that he believes are infringing upon his rights.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion(#239) is DENIED.

IT IS FURTHER ORDERED that the Clerk shall send to plaintiff a blank complaint form.

Dated this 25th day of September, 2013.


UNITED STATES DISTRICT JUDGE