

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

JIM HARRIS, JR.,)
)
 Plaintiff,)
)
 v.) No. 1:13CV147 LMB
)
 CORIZON MEDICAL SERVICES,)
 et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

There is pending before this Court Plaintiff Jim Harris's motion for the appointment of counsel (Document #8).

After reviewing the complaint, the Court is of the opinion that appointment of counsel would best serve the interests of justice.

The Complaint

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

The Court has reviewed plaintiff's complaint and finds that his dental claims against many of the named defendants are serious in nature and should have the

opportunity to be properly pled by an attorney before this Court. As pleaded, however, by a pro se plaintiff, the claims run the risk of being dismissed pre-service under 28 U.S.C. § 1915. As such, the Court will grant plaintiff's motion to appoint counsel in this matter in order to better ascertain plaintiff's claims for deliberate indifference to his serious medical needs.

In his complaint, plaintiff asks the Court to issue an emergency preliminary injunction and a temporary restraining order. (Complaint, p. 6). The Court views plaintiff's complaint as in the nature of a prisoner rights case under § 1983 rather than as an appropriate action for a temporary restraining order or an injunction.

On January 23, 2014, the Court granted plaintiff's motion to proceed in forma pauperis (Document #10).

Accordingly,

IT IS HEREBY ORDERED that the plaintiff shall pay an initial filing fee of \$23.28 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

IT IS FURTHER ORDERED that if plaintiff fails to pay the initial partial filing fee within thirty (30) days of the date of this Order, then this case will be dismissed without prejudice.

IT IS FURTHER ORDERED that plaintiff's motion for extension of case until receipt of the account statement [Doc. #6] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [Doc. #8] is **GRANTED**.

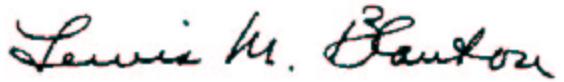
IT IS FURTHER ORDERED that Adam E. Hanna, 3113 Independence Street, Cape Girardeau, Missouri, phone number 573-334-0555, is appointed to represent plaintiff in this matter. The Clerk of Court shall provide a complete copy of the court file to plaintiff's appointed counsel at no cost.

IT IS FURTHER ORDERED that plaintiff's counsel shall have 45 days to file an amended complaint.

IT IS FURTHER ORDERED that plaintiff's motion requesting the Court to respond to his claim [Doc. #9] is **GRANTED IN PART** and **DENIED IN PART** in accordance with this Court's Memorandum and Order. The Court has granted plaintiff's motion for appointment of counsel.

IT IS FURTHER ORDERED that plaintiff's request for preliminary injunction and temporary restraining order is **DENIED**.

Dated this 29th day of January, 2014.



LEWIS M. BLANTON
UNITED STATES MAGISTRATE JUDGE