

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STAN DAVIS, and RICHARD)
RAYES,)

4:88CV462

Plaintiffs,)

v.)

FRANK O. GUNTER, Director of the)
Department of Correctional Services,)
et al.,)

Defendants.)

**MEMORANDUM
AND ORDER ON “MOTION FOR
HEARING FOR APPOINTMENT
OF ATTORNEY,” “MOTION FOR
EMERGENCY TEMPORY (SIC)
RESTRAINING ORDER &
MOTION FOR IMMEDIATE
HEARING RES IPSA LOQUITUR
APPOINTMENT OF ATTORNEY”**

This matter is before me on the “Motion for Hearing for Appointment of Attorney” (filing no. [43](#)) and the “Motion for Emergency Tempory [sic] Restraining Order & Motion for Immediate Hearing Res Ipsa Loquitur Appointment of Attorney” (filing no. [44](#)), filed by the plaintiff Richard W. Rayes (“Rayes”). Summarized and condensed, these motions assert the same arguments which I previously rejected concerning enforcement of the June 23, 1989, Settlement Agreement. (Filing No. [23](#).) I am not persuaded that I should reconsider my March 15, 2011, Memorandum and Order on Pending Motions which determined that this court lacks jurisdiction to enforce the Settlement Agreement. (Filing No. [39](#).)

IT IS THEREFORE ORDERED that:

1. the Motion for Hearing for Appointment of Attorney (filing no. [43](#)) is denied;

2. the Motion for Emergency Temporary [sic] Restraining Order & Motion for Immediate Hearing Res Ipsa Loquitur Appointment of Attorney (filing no. [44](#)) are denied.

Dated October 17, 2011.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge