

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GEORGE MYERS LIVESTOCK,)	
)	
Plaintiff,)	4:07CV3075
)	
v.)	
)	
WEST POINT CUSTOM FEEDERS,)	MEMORANDUM
JEREMY RITTER, RICHARD)	AND ORDER
REPPERT, UNKNOWN)	
PARTNERS OF WEST POINT)	
CUSTOM FEEDERS, and THOMAS)	
BLAZEK,)	
)	
Defendants.)	

Plaintiff George Myers Livestock, a Tennessee general partnership, (filing no. [1](#), ¶ 1), was represented by counsel when it filed this lawsuit. In April 2008, plaintiff's counsel was granted leave to withdraw from further representation of the plaintiff. See Filing No. [44](#). The court's order granting leave to withdraw specifically advised the plaintiff that as a legally created entity, it could not pursue its litigation in this court without licensed counsel. The plaintiff was given thirty days to obtain the services of substitute counsel. Filing No. [44](#), at CM/ECF p. 2.

At the plaintiff's request, the deadline obtaining new counsel was extended to June 16, 2008, (filing no. [49](#)); then to August 25, 2008, (filing no. [51](#)); and finally to October 2, 2008, (filing no. [52](#)). The court's order of September 2, 2008 stated:

Plaintiff is given until October 2, 2008 in which to obtain the services of substitute counsel and have that attorney file an appearance in its behalf, in the absence of which the court may dismiss this lawsuit without further notice.

Filing No. [52](#). No attorney has entered an appearance on behalf of the plaintiff as required by the court's September 2, 2008 order.

On October 1, 2008, the plaintiff filed a motion for court-appointed counsel. Filing No. [54](#). The plaintiff's complaint seeks damages and alleges the defendants breached their contract with the plaintiff and/or violated the Uniform Commercial Code by misappropriating collateral subject to a security interest held by the plaintiff. The plaintiff is not entitled to court-appointed counsel for such cases.

IT IS THEREFORE ORDERED:

- 1) The plaintiff's motion to appoint counsel, (Filing No. [54](#)), is denied.
- 2) The plaintiff's complaint is dismissed without prejudice.
- 3) The defendants' objection to the court's order granting the plaintiff additional time to obtain counsel, (Filing No. [53](#)), and their objection to the plaintiff's motion to appoint counsel, (Filing No. [55](#)), are denied as moot.
- 3) Judgment will be entered accordingly.

DATED this 3rd day of October, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge