

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CORNELIUS BROWN, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DEPT. OF HEALTH & HUMAN )  
 SVS., TI LINN BOUER, Facility )  
 Operating Officer, CHRIS BO )  
 SIMMONS, Assoc. Facility Officer, )  
 JOHN KROLL, Director of Nursing, )  
 LORI STRONG, Asst. Unit )  
 Supervisor, DIANNA MASTNY, )  
 Unit Supervisor, and MATTHEW )  
 POKORNY, Patient, )  
 )  
 Defendants. )

8:14CV298

**MEMORANDUM  
AND ORDER**

This matter is before the court for case management. There are numerous motions pending in this matter, including Defendants’ Motion to Dismiss (Filing No. [23](#)) and Plaintiff’s Motions to Appoint Counsel (Filing Nos. [8](#), [21](#), and [30](#)), Motion to Reconsider (Filing No. [18](#)), and “Motion in Support of Complaint” (Filing No. [29](#)). The court has carefully reviewed the record and each of the pending motions. Upon careful consideration,

IT IS ORDERED that:

1. Plaintiff’s Motions to Appoint Counsel dated October 7, 2014, and January 6, 2015 (Filing Nos. [8](#) and [21](#)) are denied as moot in light of Plaintiff’s later-filed Motion to Appoint Counsel dated February 19, 2015 (Filing No. [30](#)).

2. Plaintiff's latest request for the appointment of counsel (Filing No. [30](#)) will remain pending and will be considered in conjunction with the court's review of Defendants' Motion to Dismiss.

3. Plaintiff's Motion to Reconsider (Filing No. [18](#)) will remain pending and will be considered in conjunction with the court's review of Defendants' Motion to Dismiss.

4. Plaintiff's "Motion in Support of Complaint" (Filing No. [29](#)) is an improper second response to Defendants' Motion to Dismiss and is denied. To the extent Plaintiff seeks to amend his claims to include additional allegations of retaliation, he must do so in a properly-filed amended complaint.

DATED this 20th day of February, 2015.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge

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