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states that he seeks counsel in order that counsel procure a store surveillance videotape; however, there is no evidence that a security video exists (see exh. 118 to respondents' motion to dismiss, ECF No. 21). Petitioner has also filed a motion for clarification, which appears to be a supplement to his motion for counsel and again seeks appointed counsel in order to locate surveillance video. Petitioner's third motion for counsel and the motion for clarification are both denied.

IT IS THEREFORE ORDERED that petitioner's third motion for appointment of counsel (ECF No. 45) is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motion for clarification (ECF No. 47) is **DENIED**.

IT IS FURTHER ORDERED that respondents' first and second motions to extend time to file their answer to the petition (ECF Nos. 41 and 42) are both **GRANTED** *nunc pro tunc*.

DATED: 8 March 2017.



KENT J. DAWSON
UNITED STATES DISTRICT JUDGE