

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

HOWARD AYERS,

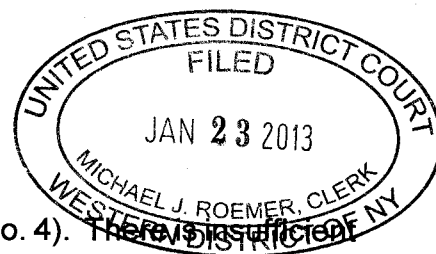
Plaintiff,

-v-

J. ESGROW, et al.,

Defendants.

DECISION AND ORDER
12-CV-0656A



Plaintiff has requested appointment of counsel (Docket No. 4). ~~There is insufficient~~ information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986), as issue has yet to be joined. Therefore plaintiff's motion for appointment of counsel is denied without prejudice at this time. It is the plaintiff's responsibility to retain an attorney or press forward with this lawsuit *pro se*. 28 U.S.C. § 1654.

SO ORDERED.

Dated: JAN. 18, 2013
Rochester, New York

Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge