

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANDRE DOLBERRY,

Plaintiff,

DECISION AND ORDER

02-CV6418L

v.

SERGEANT HEICHT, et al.,

Defendants.

The Court conducted a status conference with plaintiff and defense counsel on January 12, 2010, and the Court scheduled trial for August 9, 2010. In addition to scheduling trial, other matters were discussed, including settlement possibilities.

There are several motions pending that have been filed by plaintiff that are resolved as follows:

Plaintiff's letter/motion for miscellaneous relief (Dkt. #286) is denied as moot.

Plaintiff's motion to expedite the case/and schedule a pretrial conference (Dkt. #288) is denied as moot.

Plaintiff's motion for discovery (Dkt. #289) is denied as moot since plaintiff is no longer housed at the institution about which he complained.

Plaintiff's motion for a settlement conference (Dkt. #290) is denied as moot since the Court has held such a conference.

Plaintiff's motion to extend time to file papers (Dkt. #293) is denied as moot.

Plaintiff's motion for a copy of a transcript (Dkt. #294) is denied. Plaintiff is not entitled to such relief.

Plaintiff's motion for a status conference and for a settlement conference (Dkt. #303) is denied as moot.

Plaintiff's motion for miscellaneous relief (Dkt. #312) is denied as moot.

Plaintiff's motions for appointment of counsel (Dkt. ## 292, 308) are denied. Plaintiff has made several motions for counsel over the course of this litigation and the Court has denied such relief on at least four occasions. (Dkt. ##16, 57, 253 and 285).

This Court has had several telephone conferences with the plaintiff, and is articulate, appears to be knowledgeable about his claim and is capable of proceeding *pro se*. Plaintiff has filed numerous motions and other documents in this case over the course of several years. The claim is not complex and involves no more than two instances of alleged excessive force. I believe plaintiff is quite capable of advancing these claims at either a jury or bench trial. I have also considered the nature of the case and the strength of it, and I find that appointment of counsel is not warranted.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 22, 2010.