

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-PS/CD-O-

STEPHEN JOSEPH EMILE A0226254440,

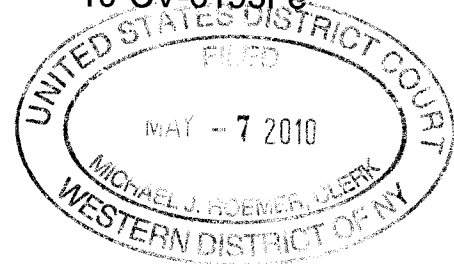
Petitioner,

-v-

MARTIN HERRON, et al,

Respondent.

DECISION AND ORDER
10-CV-6193Fe



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 SO ORDERED.

A handwritten signature in cursive script, appearing to read "Richard J. Arcara".

HONORABLE RICHARD J. ARCARA
DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Dated: May 5, 2010