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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONALD P. BAMANN,

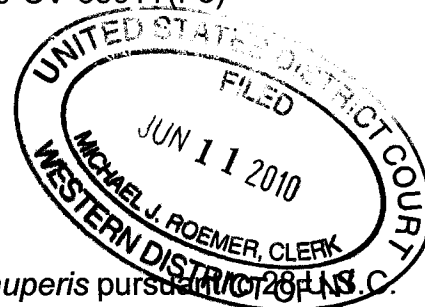
Plaintiff,

-v-

DENNIS PATEL, HINA PATEL and MICHAEL PATEL,

Defendants.

DECISION AND ORDER
10-CV-6301T(Fe)



Plaintiff has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has met the statutory requirements. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. The complaint has been reviewed by the Court with respect to the 28 U.S.C. § 1915(e)(2) criteria.

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.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

SO ORDERED.

Dated: JUNE 9, 2010
Rochester, New York

Charles J. Sragusa

CHARLES J. SRAGUSA
United States District Judge