

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12-cv-48-RJC**

**MARION LAMONT SHERROD,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **SID HARKLEROAD, et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on consideration of Defendant John Morgan’s motion for entry of consent order, (Doc. No. 56), and Plaintiff’s second motion to appoint counsel. (Doc. No. 63). On February 20, 2013, the Court entered an Order granting Defendant Morgan’s motion to dismiss for failure to state a claim, and Plaintiff has not appealed. Defendant Morgan is therefore no longer a party to this action and his motion will be dismissed as moot.

Plaintiff’s motion to appoint counsel has previously been denied by Order entered on April 23, 2012, (Doc. No. 5). Plaintiff, in his present motion, articulates no new reasons to support the discretionary appointment of counsel, and his motion will be denied for the reasons stated in the Court’s April 23<sup>rd</sup> Order.

**IT IS, THEREFORE, ORDERED** that:

1. Defendant John Morgan’s motion for entry of consent order is **DISMISSED** as moot. (Doc. No. 56).
2. Plaintiff’s second motion for appointment of counsel, (Doc. No. 63), is **DENIED** for the reasons stated in the Court’s April 23, 2012 Order. (Doc. No. 5).

Signed: May 6, 2013



Robert J. Conrad, Jr.  
Chief United States District Judge

