

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:10-cv-295  
(3:08-cr-112)

VICTOR ABUSADA, )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
Respondent. )  
\_\_\_\_\_ )

ORDER

**THIS MATTER** is before this Court upon Petitioner’s Request to Reconsider Order Denying Motion for Appointment of Counsel (Doc. No. 14); Motion for Extension of Time (Doc. No. 15); and Motion to Strike Certain Statements in the Government’s Answer (Doc. No. 16).

The Court previously denied Petitioner’s request for appointed counsel. (Doc. No. 8: Order). Petitioner asks for reconsideration of that ruling on the basis that discovery and an evidentiary hearing are necessary in light of the Government’s subsequent motion for summary judgment. (Doc. No. 14: Motion at 2). The Court has not determined that such steps are required in this case; therefore, the request is premature. Secondly, Petitioner claims an attorney is necessary to aid his collateral attack of state court convictions. (Id. at 3). Petitioner adequately raised such claims in his petition; therefore, the Court finds that counsel is not required to assist him.

Petitioner asks for additional time to file his response to the Government’s motion for summary judgment. (Doc. No. 16). The Court previously directed Petitioner to file any response by January 7, 2011. (Doc. No. 13: Order). Petitioner has now filed responses (Doc. Nos. 18, 19,

and 20), and the Government has not moved to strike them as untimely. Accordingly, Petitioner's request for additional time is moot.

Finally, Petitioner asks the Court to strike certain allegedly inaccurate statements from the Government's answer. (Doc. No. 16). While Petitioner understandably disputes the Government's position, he has not shown that the challenged representations are subject to being struck pursuant to Rule 12(f) of the Federal Rules of Civil Procedure (allowing the Court to strike from a pleading "any redundant, immaterial, impertinent, or scandalous matter.").

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

1. Petitioner's Request to Reconsider (Doc. No. 14) is **DENIED**;
2. Petitioner's Motion for Extension of Time (Doc. No. 15) is **DENIED AS MOOT**; and
3. Petitioner's Motion to Strike (Doc. No. 16) is **DENIED**.

Signed: May 10, 2011



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

