

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|   |   |                                      |
|---|---|--------------------------------------|
| <b>WILLIAM E. BUSH,</b>                     | : | <b>CIVIL ACTION NO. 1:08-CV-1990</b> |
|   | : |                                      |
| <b>Plaintiff</b>                            | : | <b>(Judge Conner)</b>                |
|   | : |                                      |
| v.  | : |                                      |
|   | : |                                      |
| <b>LEWISBURG U.S.P. FEDERAL<br/>PRISON,</b> | : |                                      |
|   | : |                                      |
| <b>Defendant</b>                            | : |                                      |

**ORDER**

AND NOW, this 20<sup>th</sup> day of March, 2009, upon consideration of plaintiff's requests for appointment of counsel (Docs. 8, 12, 13, 18), and it appearing, at this juncture of the litigation, based upon the defendant's motion to dismiss and for summary judgment, in which defendant contends that plaintiff failed to exhaust his administrative remedies, that plaintiff is capable of proceeding on his own as resolution of the facial merit of his claims neither implicates complex legal or factual issues nor requires factual investigation or the testimony of expert witnesses, see Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993) (listing factors relevant to request for counsel), it is hereby ORDERED that:

1. Plaintiff's requests for appointment of counsel (Docs. 8, 12, 13, 18) are DENIED. If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of plaintiff. See id.
2. Plaintiff shall COMPLY with this court's order of February 27, 2009 (Doc. 17), directing plaintiff to file a brief in response to the defendant's motions in accordance with L.R. 7.6 and comply with L.R. 56.1, on or before April 10, 2009.

3. Failure to comply with this order may result in the granting of the motions or dismissal of this case for failure to prosecute. See FED. R. CIV. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (interpreting Federal Rule of Civil Procedure 41(b) as permitting *sua sponte* dismissals by the court); Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984).

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge