

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

<b>DANIEL RIVERA,</b>	:	<b>CIVIL ACTION NO. 1:12-CV-0875</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
v.	:	
	:	
<b>MR. JENKINS, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 13th day of September, 2012, upon consideration of plaintiff’s motion for appointment of counsel (Doc. 14), and assuming that plaintiff’s claim that defendants denied him psychiatric medication in violation of the Eighth Amendment brought pursuant to 42 U.S.C. § 1983, has an arguable basis in law or fact, and it appearing from the complaint, that he is capable of properly and forcefully prosecuting his claims with adequate factual investigation, that resolution of the pending motion to dismiss neither implicates complex legal or factual issues nor requires factual investigation or the testimony of expert witnesses as the basis of the motion is plaintiff’s alleged failure to exhaust his administrative remedies, 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 motion (Doc. 14) for appointment of counsel is DENIED. If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of petitioner.

2. Plaintiff shall file a brief in opposition to defendants' motion to dismiss on or before September 28, 2012. Failure to comply with this order will result in the motion being deemed unopposed. See L.R. 7.6.

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