

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

JASON MCALLISTER,	:	CIVIL ACTION NO. 1:12-CV-2273
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JOSHUA WIEKL, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 29th day of April, 2013, upon consideration of plaintiff's motion for appointment of counsel (Doc. 18), and assuming that plaintiff's claims brought pursuant to 42 U.S.C. § 1983, have an arguable basis in law or fact, and it appearing from the complaint (Doc. 1), and amended complaint (Doc. 14), that he is capable of properly and forcefully prosecuting his claims, that neither complex legal or factual issues are implicated and there is no need for 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 motion for appointment of counsel (Doc. 18) is DENIED. If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of plaintiff.
2. Plaintiff shall file a brief in opposition to defendants' motion to dismiss (Doc. 15) plaintiff's amended complaint (Doc. 14) on or before May 3, 2013. Failure to comply with this order will result in the motion being deemed unopposed. See L.R. 7.6.

3. The Clerk of Court is directed to **TERMINATE** defendants' motion to dismiss (Doc. 12) plaintiff's complaint as it has been rendered moot by the filing of the amended complaint (Doc. 14).

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