

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

ROBERT N. MUELLER, Jr.,

Plaintiff,

v.

CENTRE COUNTY, et al.,

Defendants.

CIVIL ACTION NO. 3:09-CV-1880

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

MEMORANDUM ORDER

Presently before the Court is Plaintiff Robert Mueller's Motion to Appoint Counsel (Doc. 16). Mueller previously requested that counsel be appointed (Doc. 8), and the Magistrate Judge properly rejected this request. (Doc. 14.) Mueller makes only one additional argument in this second motion, namely that he is unable to comprehend approximately 80% of the Report and Recommendation ("R&R:") filed by Magistrate Judge Blewitt, and therefore should have counsel appointed. Because this argument does not provide a substantial change from the circumstances articulated in his prior motion, I see no reason to grant this motion to appoint counsel. Therefore, Mueller's motion (Doc. 16) will be denied.

A R&R is simply a recommendation by the Magistrate Judge to this Court on how to resolve a pending motion. In this case, the Magistrate Judge recommends that Mueller's request to proceed without paying the required filing fee, or *in forma pauperis*, be granted only as to his claim against Defendant Mohler regarding the July 25, 2009, incident. As to Mueller's other claims, the Magistrate Judge recommends that they be dismissed. Mueller does not need advanced legal training to respond to the R&R, only to respond to those

portions or conclusions with which he disagrees. Without objecting to the R&R, this Court may adopt the recommendations without entirely reconsidering the issues on its own. To object, Mueller need only file his concerns in writing with the Court, as he has proven capable of doing through the motions to appoint counsel. In light of his confusion in how to respond to the R&R, I will grant an extension of ten days from the date of this order to file any objections.

NOW, this 16th day of December, 2009, **IT IS HEREBY ORDERED** that:

- (1) Plaintiff Mueller's Second Motion to Appoint Counsel (Doc. 16) is **DENIED**.
- (2) Mueller will have **TEN (10) DAYS** from the date of this order to file any objections to the Report and Recommendation of Magistrate Judge Blewitt (Doc. 13).

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge