

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CORLIVEETHO McMILLIAN,	)	
Plaintiff,	)	
	)	Civil Action No. 14-1529
vs.	)	District Judge Nora Barry Fischer
	)	Chief Magistrate Judge Maureen P. Kelly
JOHN E. WETZEL <i>Secretary of</i>	)	
<i>Corrections</i> ; JEFFREY WITHERITE	)	
<i>Western Region Staff Assistant of</i>	)	
<i>Department of Corrections</i> ;	)	
SUPERINTENDANT BRIAN COLEMAN;	)	
SECURITY CAPTAIN CAPSTICK;	)	
SECURITY CAPTAIN WEAVER; UNIT	)	
MANAGER BOZAS; CO I OFFICER	)	Re: ECF No. 108
CARN; CO I OFFICER PALMER;	)	
PRISONER WILLIAM KULPET,	)	
Defendants.	)	

ORDER

AND NOW, this 12<sup>th</sup> day of December, 2016, upon careful consideration of Plaintiff's Motion for Reconsideration of this Court's October 20, 2016 Order denying Plaintiff's fourth request for the appointment of counsel, ECF No. 108, Defendants' response thereto, ECF No. 110, and the record as a whole, the Court finds that Plaintiff has consistently demonstrated his ability to litigate this action and that his mental health issues are not such that he is unable to continue to do so. Further, as previously found by this Court, the factors set forth in Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993), do not otherwise warrant the appointment of counsel in this instance, ECF No. 26, and the Court therefore declines to exercise its discretion and request counsel to represent plaintiff. See Parham v. Johnson, 126 F.3d 454, 457 (3d Cir. 1997).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Reconsideration, ECF No. 108, is DENIED without prejudice.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

BY THE COURT:

/s/ Maureen P. Kelly  
MAUREEN P. KELLY  
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: Corliveetho McMillian  
AY-6916  
SCI Camp Hill  
P.O. Box 200  
Camp Hill, PA 17001

All counsel of record via CM/ECF