

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

PEDRO A. GARCIA §
VS. § CIVIL ACTION NO. 9:17-CV-72
JOHN P. BOLTON, *et al.*, §

MEMORANDUM OPINION AND ORDER

Plaintiff, Pedro A. Garcia, an inmate formerly confined at the Polunsky Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants John P. Bolton, Sean R. Burks, Johnny R. Farris, Patricia Garney, and Joseph Smith.

On January 31, 2018, the Magistrate Judge to whom this case is referred entered an order denying plaintiff's motions to appoint counsel (docket entry no. 37). On February 26, 2018, plaintiff filed a Motion to Alter or Amend Judgment (docket entry no. 42). This Court liberally construes the pending motion as an appeal of the order of the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).

After a careful review, this Court can find no error in the order of the Magistrate Judge denying plaintiff's motions to appoint counsel. The order is not clearly erroneous or contrary to law.

ORDER

Accordingly, Plaintiff's Motion to Alter or Amend Judgment, liberally construed as an appeal of the order of the Magistrate Judge (docket entry no. 42) is **DENIED**. Plaintiff's Motion for Reconsideration to Rehear Motion for Appointment of Counsel (docket entry no. 49) is **DENIED** as **MOOT**.

So Ordered and Signed

Sep 23, 2018



Ron Clark, Senior District Judge