

United States District Court
Southern District of Texas

ENTERED

April 08, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARCUS DOWNIE,

Plaintiff,

v.

HERMAN AND HERMAN, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:21-CV-00287

**OPINION AND ORDER DENYING PLAINTIFF’S
MOTIONS FOR APPOINTMENT OF COUNSEL**

Plaintiff Marcus Downie, proceeding *pro se* and *in forma pauperis*, has filed this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are Plaintiff’s motions for appointment of counsel. (Doc. Nos. 2, 7, 9.)

In a separate order, the undersigned granted Plaintiff’s application to proceed *in forma pauperis*. (Doc. No. 17.) The order provided that “[n]o motions for appointment of counsel shall be filed until the Court has completed its screening pursuant to 28 U.S.C. § 1915A, which may include a hearing under *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).” *Id.* at ¶ 9.

As part of the screening process, the undersigned has issued a Memorandum and Recommendation (M&R), recommending that this action be dismissed for lack of subject matter jurisdiction. Plaintiff will have an opportunity to file objections to the M&R. This Court, therefore, has yet to complete the screening process in this case. Accordingly, Plaintiff’s motions for appointment of counsel (Doc. Nos. 2, 7, 9) are DENIED without prejudice to renew should this case not be dismissed after the screening process has been completed.

SIGNED on April 8, 2022.

A handwritten signature in blue ink, reading "Mitchel Neurock", written over a horizontal line.

MITCHEL NEUROCK
United States Magistrate Judge