

United States District Court  
Southern District of Texas

**ENTERED**

February 08, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

DEREK D. SMITH,

Plaintiff,

VS.

CITY OF CORPUS CHRISTI POLICE  
DEPARTMENT, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:22-CV-00297

**OPINION AND ORDER DENYING PLAINTIFF’S  
REQUEST FOR APPOINTMENT OF COUNSEL  
AND VACATING ORDER FOR CONFERENCE AND DISCLOSURE**

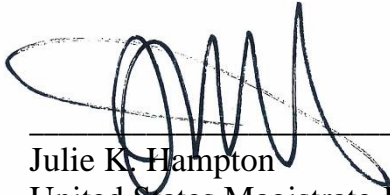
Plaintiff Derek D. Smith, proceeding *pro se*, has filed this civil rights action pursuant to 42 U.S.C. § 1983. In a document labeled “Plaintiff’s Motion for Leave to File Amended Complaint,” Plaintiff requests that the Court appoint counsel. (D.E. 9, pg. 2).

Plaintiff has been Ordered to file his Amended Complaint no later than February 24, 2023. (D.E. 12). This Court has yet to complete the 28 U.S.C. § 1915A screening process in this case, which may include a hearing under *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).. Accordingly, Plaintiff’s request for appointment of counsel (D.E. 9) is **DENIED** without prejudice to renew after the screening process has been completed.

On December 15, 2022, the Court inadvertently entered an Order for Conference and Disclosure of Interested Parties. (D.E. 4). That order was prematurely issued because Plaintiff’s Amended Complaint has not been screened and no defendants have otherwise

been served in this case. Accordingly, the December 15, 2022 Order for Conference and Disclosure (D.E. 4) is **VACATED**.

ORDERED on February 8, 2023.



Julie K. Hampton  
United States Magistrate Judge