

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

RAYMOND STROMINGER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:15-cv-01654-TWP-MPB
)	
INDIANA DEPT. OF CORRECTION,)	
LT. C. NICHOLSON,)	
)	
Defendants.)	

Entry Denying Motion to Reconsider and Motion to Appoint Counsel

This matter is before the Court on Plaintiff’s Motion to Reconsider to Alter or Amend a Court’s Entry (Dkt. 14) and Motion to Appoint Counsel (Dkt. 15). The Court will address each motion in turn.

I. Motion to Reconsider

The plaintiff was given an opportunity in the Entry of December 28, 2015, to notify the Court which of his seven claims, if any, he wished the Court to sever into new actions. In response, the plaintiff reported that he wanted all of his claims to proceed in one action. The Court disagreed and screened the amended complaint, dismissed several claims, and severed claims 6 and 7 into new actions as discussed in the Entry of January 27, 2016.

In his second motion to reconsider, the plaintiff still disagrees with the Court’s decision to sever claims 6 and 7 from claim 1. He wants all three claims joined in one action, but he has not shown any manifest error in the Court’s analysis. Claim 1, asserted against the Indiana Department of Correction and Lt. Nicholson, which is proceeding in this action, relates to the denial of outdoor recreation. Claim 6 involves excessive force and the use of a non-accessible van and is asserted against several defendants different from the defendants in claim 1. The Court’s severance of these

claims was proper.

The plaintiff's request to join claim 7 with claims 1 and 6 is frivolous. Claim 7 is a denial of medical treatment brought against a physician.

For these reasons, the plaintiff's motion to reconsider, brought under Rule 59(e) [dkt. 14] is **denied**.

II. Motion to Appoint Counsel

The plaintiff's motion for the appointment of counsel [dkt. 15] is **denied as premature**. The Seventh Circuit has found that "until the defendants respond to the complaint, the plaintiff's need for assistance of counsel . . . cannot be gauged." *Kadamovas v. Stevens*, 706 F.3d 843, 846 (7th Cir. 2013). In this case, the defendants have not yet been served or answered the complaint. As the plaintiff continues his efforts to recruit counsel for this action on his own, he should narrow the scope of his description of his claim to that brought in this action.

The Clerk is directed to include a form motion for assistance recruiting counsel along with the plaintiff's copy of this Entry. If the plaintiff files this form after the defendants appear and answer the amended complaint, the Court will reconsider the plaintiff's request.

IT IS SO ORDERED.

Date: 2/8/2016



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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