

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

JOHN FLAMER,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
FRANK GREEN, ASSISTANT,	:	No. 95-CV-2523
WARDEN SPIGERILLI, WARDEN,	:	
GEORGE HILL, C.I.D. DEPT.,	:	
Defendants.	:	

**MEMORANDUM-ORDER**

Presently pending are Plaintiff's motions for the appointment of counsel, for a pre-trial hearing, to be present at a record deposition, and Defendants' response thereto.

Counsel shall be appointed where the district court determines that circumstances properly justify it. See, Tabron v. Grace, 6 F.3d 147, 153-154 (3d Cir. 1993). Plaintiff has not presented any facts indicating that appointment of counsel is warranted under the circumstances. Plaintiff has represented himself in several matters and is capable of adequately placing the relevant facts and legal issues before the court. Furthermore, plaintiff will be released from detention on or about June 23, 1997, and will soon be relieved of the challenges of pursuing this matter while confined. Accordingly, Plaintiff's request for court appointed counsel will be denied.

Plaintiff's request for a pre-trial hearing will be dismissed as moot pursuant to this court's Order of May 20, 1997, scheduling such a conference within 30 days after Plaintiff's release date. In Plaintiff's motion, he additionally requested that Defendants Green, Spigerilli and Hill, who were dismissed from this action on December 12, 1996 be reinstated as defendants. Plaintiff's request will be denied as these

defendants were dismissed with prejudice for Plaintiff's failure to timely respond to this court's Order of December 26, 1995.

Finally, Plaintiff has moved to be present at the "records deposition" of Dr. Brandfass and Riddle Memorial Hospital. In connection with Plaintiff's complaints filed in cases 95-CV-3744 and 95-CV-3745, Defendants subpoenaed records from Dr. Brandfass and Riddle Memorial Hospital. The records were not subpoenaed for this matter, therefore, Plaintiff's motion will be dismissed.

AND NOW, this            day of            1997, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Appointment of Counsel is DENIED.
2. Plaintiff's Motion for a Pre-Trial Hearing is DISMISSED as moot.
3. Plaintiff's Motion to be Present at Records Deposition is DISMISSED.

BY THE COURT:

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CLIFFORD SCOTT GREEN, S.J.