

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>STEVEN RAY THOMAS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 04-3274-JTM</b>
	)	
<b>LOUIS E. BRUCE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**MEMORANDUM AND ORDER**

This matter is before the court on the following motions:

1. Plaintiff's Motion "to Supplement" (Doc. 67);
2. Plaintiff's Motion to Compel Discovery (Doc. 69); and
3. Plaintiff's Motion for the Appointment of Counsel (Doc.70).

The court's rulings are set forth below.<sup>1</sup>

**Motion to Supplement**

Plaintiff moves to supplement his initial disclosures. No response in opposition has been filed and the motion shall be GRANTED as an uncontested matter.

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<sup>1</sup>

The nature and background of this lawsuit are explained in a prior opinion and will not be repeated. See Memorandum and Order (Doc. 60, filed November 8, 2005).

**IT IS THEREFORE ORDERED** that plaintiff's motion to supplement his initial disclosures (**Doc. 67**) is **GRANTED**.

### **Motion to Compel**

Plaintiff moves to compel defendants to produce documents. Because copies of the document requests have not been provided and the court is otherwise unable to determine the appropriateness of the requests, the motion shall be **DENIED WITHOUT PREJUDICE**. Equally important, the court conducted a scheduling conference on December 20, 2005 and addressed defendants' oral motion to continue the scheduling conference pending receipt of a supplemental *Martinez* report concerning three recently added defendants (Sharp, Boyle, and Norris). Further, no service has been completed on defendant Brockbank. Formal discovery should be deferred pending the filing of a supplemental *Martinez* report and entry of a scheduling order. Responses by defendants Sharp, Boyle, and Norris shall be deferred pending further order of the court.

**IT IS THEREFORE ORDERED** that plaintiff's motion to compel (**Doc. 69**) is **DENIED WITHOUT PREJUDICE**. Formal discovery will commence following receipt of a supplemental *Martinez* report and entry of a scheduling order.

### **Motion to Appoint Counsel**

This is plaintiff's fourth motion for the appointment of counsel. Contrary to plaintiff's arguments, this is not a complex case and plaintiff has demonstrated the ability

to represent himself.<sup>2</sup> Under the circumstances, the court declines to appoint counsel for plaintiff at this time.<sup>3</sup>

**IT IS THEREFORE ORDERED** that plaintiff's motion to appoint counsel (**Doc. 70**) is **DENIED**.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas this 2nd day of February 2006.

S/ Karen M. Humphreys

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KAREN M. HUMPHREYS  
United States Magistrate Judge

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<sup>2</sup>

Plaintiff successfully appealed the initial dismissal of his case to the Tenth Circuit.

<sup>3</sup>

The reasons for denying plaintiff's motion for the appointment of counsel were set forth in greater detail in a prior order and will not be repeated. See Memorandum and Order (Doc. 60).