

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DALE W. BIRCH,)
)
 Plaintiff,)
)
 v.) Case No. 19-2156-JAR
)
 THE CITY OF ATCHISON, KANSAS, et al.,)
)
 Defendants.)

ORDER

Plaintiff has filed a second motion for appointment of counsel (ECF No. 10), explaining that he did not know whether his previous filings had reached the court. The court did receive plaintiff's first motion for appointment of counsel, which was filed on May 1, 2019 (ECF No. 7). The court entered an order (ECF No. 8) denying the first motion on May 23, 2019, the same day plaintiff filed his second motion. Plaintiff had not yet received the order in the mail. The second motion again requests appointment of counsel and repeats five of the nine discovery requests for court-ordered production of documents and subpoenas.

The motion is denied as moot, as it is duplicative of ECF No. 7. The court points plaintiff to the reasons set forth in ECF No. 8. The court has now entered a scheduling order (ECF No. 9) that governs the discovery deadlines in this case. The court reiterates that plaintiff may refile a subsequent motion for appointment of counsel if his complaint

either survives a dispositive motion filed by defendants or the deadline for filing such a motion has passed with no such motion being filed.

IT IS SO ORDERED.

Dated May 23, 2019, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge