

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

**KENNETH D. LEEK,**

**Plaintiff,**

**v.**

**CASE NO. 20-3051-SAC**

**LINDA J. SCOGGIN, et al.,**

**Defendants.**

**MEMORANDUM AND ORDER**

Plaintiff brings this *pro se* civil rights action under 42 U.S.C. § 1983. Plaintiff is incarcerated at the Hutchinson Correctional Facility in Hutchinson, Kansas (“HCF”). This matter is before the Court on Plaintiff’s Motion for Reconsideration (Doc. 39), asking the Court to reconsider its December 22, 2020 Memorandum and Order (Doc. 38) denying Plaintiff’s motion for appointment of counsel. Defendants have filed responses (Docs. 41, 42) in opposition.

Local Rule 7.3 provides that “[p]arties seeking reconsideration of non-dispositive orders must file a motion within 14 days after the order is filed” and the “motion to reconsider must be based on: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error or prevent manifest injustice.” D. Kan. Rule 7.3(b). Plaintiff asks the Court to reconsider its denial of Plaintiff’s request for the appointment of counsel, arguing that he is in long-term segregation with limited access to the law library and that the law library research computers were shut down due to an alleged security breach.

Plaintiff has failed to present any of the grounds warranting reconsideration as set forth in Local Rule 7.3. Plaintiff has not set forth an intervening change in controlling law or the

availability of new evidence. Plaintiff has not set forth the need to correct clear error or to prevent manifest injustice. Plaintiff's motion for reconsideration is denied.

The Court will grant Plaintiff an extension of time to respond to the Motion to Dismiss filed by Defendants Linda J. Scoggin and Debra Skalinder. The Court will screen Plaintiff's First Amended Complaint and will set a deadline for responding to the motion to dismiss if Plaintiff's claims survive screening.

**IT IS THEREFORE ORDERED BY THE COURT** that Plaintiff's Motion for Reconsideration (Doc. 39) is **denied**.

**IT IS FURTHER ORDERED** the deadline for Plaintiff to respond to the Motion to Dismiss at Doc. 34 is held in abeyance until further order of the Court.

**IT IS SO ORDERED.**

**Dated February 12, 2021, in Topeka, Kansas.**

**s/ Sam A. Crow**  
**Sam A. Crow**  
**U.S. Senior District Judge**