

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

RONALD BARKMEYER, JR.

v.

ASHBEL T. WALL

:  
:  
:  
:  
:

C.A. No. 09-430S

**MEMORANDUM AND ORDER**

Before this Court are the pro se Petitioner's Motion to Proceed In Forma Pauperis (Document No. 8), Petition for the Reargument of the Assignment of an Attorney (Document No. 9) and Notice of Address Change and Change to Indigent Petitioner of the Court. (Document No. 10). The Motions have been referred to me for determination. 28 U.S.C. § 636(b)(1)(A); LR Cv 72(a).

Despite filing three separate Motions, all three documents seek the same relief: appointment of counsel in this matter. Plaintiff previously moved for appointment of counsel (Document No. 2) which was denied without prejudice by the Court on September 15, 2009. (Document No. 4) The law set forth in that Memorandum and Order remains unchanged, thus the Court will consider only whether there are any new issues that have arisen in this case that may alter the Court's previous ruling.

Turning first to the Motion to Proceed IFP (Document No. 8), Petitioner notes that he "was able to afford the \$5.00 filing fee, [but] he is unable to afford counsel at his own expense." (Document No. 8 at 1). Petitioner attaches to his Motion a copy of his Inmate Statement which indicates that he had an available spending balance of \$111.34 and an encumbered balance of \$658.25 as of September 18, 2009. The Motion fails to identify any new circumstances concerning Petitioner's request for appointment of counsel, and to the extent the Motion seeks appointment of

counsel, it is DENIED for the reasons set forth in the Court's previous ruling. Moreover, Petitioner has paid the \$5.00 filing fee and there are not any payments currently due or pending with the Court. Thus, to the extent his Motion seeks pauper status with this Court, his Motion to Proceed IFP is DENIED without prejudice.

In his Petition for Reargument and his Notice (Document Nos. 9 and 10) Plaintiff provides the Court with further details concerning his need for appointed counsel, citing his inability to gain acceptable access to the prison law library and the outdated materials in use at the prison. (Document No. 9 at 2 and Document No. 10 at 1-2). Despite these claimed obstacles, Petitioner has competently represented himself in this claim and continues to demonstrate a basic understanding of and ability to comply with the legal procedures to be followed in this Court. Thus, for the same reasons set forth in the Court's previous Order, the Petition for Reargument and his Notice (Document Nos. 9 and 10) are DENIED without prejudice.

/s/ Lincoln D. Almond  
LINCOLN D. ALMOND  
United States Magistrate Judge  
January 22, 2010