

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MARCO A. MICHALSKI,
Plaintiff,

v.

ANDINO, *ET AL.*,
Defendants.

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Case No. 3:15cv571 (VAB)

RULING ON MOTION FOR RECONSIDERATION

Plaintiff, Marco A. Michalski, seeks reconsideration of this Court’s prior ruling denying his motion for appointment of *pro bono* counsel. Order, ECF No. 31; 28 U.S.C. § 1915. For the reasons that follow, the Motion for Reconsideration is **DENIED**.

The standard for granting a motion to reconsider a prior ruling in the same case is “strict.” *Shrader v. CSX Transp.*, 70 F.3d 255, 257 (2d Cir. 1995). A Court will only grant such a motion if “there has been an intervening change in controlling law, there is new evidence, or a need is shown to correct a clear error of law or to prevent manifest injustice.” *United States v. Sanchez*, 35 F.3d 673, 677 (2d Cir. 1994); *Chance v. Machado*, No. 3:08-CV-000774(CSH), 2013 WL 1830979, at *1 (D. Conn. Apr. 30, 2013) (applying this standard to a motion to reconsider the denial of a motion to appoint counsel). “[A] motion to reconsider should not be granted where the moving party seeks solely to relitigate an issue already decided.” *Shrader*, 70 F.3d at 257.

Mr. Michalski has failed to show that reconsideration is appropriate here. In its prior ruling denying his motion to appoint counsel, the Court reasoned that Mr. Michalski had failed to

show that he was unable to secure counsel on his own. Mr. Michalski's motion does not address this concern. *See Saviano v. Local 32B-32J*, 75 F. App'x 58, 59 (2d Cir. 2003) (noting that the Court cannot consider appointing counsel until the indigent person has demonstrated that he is unable to obtain counsel without the Court's assistance) (citing *Cooper v. A Sargenti Co.*, 877 F.2d 170, 173 (2d Cir. 1989)).

In addition, the Court notes that its previous order denying the motion to appoint counsel was "without prejudice," meaning that Mr. Michalski may file a new motion to appoint counsel at a later date that complies with the requirements set forth in the Court's prior ruling, ECF No. 31.

For all of the aforementioned reasons, Mr. Michalski's Motion for Reconsideration [ECF No. 34] is **DENIED**.

SO ORDERED at Bridgeport, Connecticut this 23rd day of August 2016.

/s/ Victor A. Bolden
Victor A. Bolden
United States District Judge