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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 DALE OWEN DUSTIN,
9 Plaintiff,
10 v.
11 C. GIPSON, et al.,
12 Defendants.
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1:14-cv-01405-LJO-EPG (PC)

ORDER OVERRULING PLAINTIFF'S
SUPPLEMENTAL OBJECTION TO
FINDINGS AND
RECOMMENDATIONS AND
DENYING REQUEST FOR
APPOINTMENT OF COUNSEL
(ECF NO. 58)

15 Dale Dustin ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*
16 with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
17 commencing this action on June 25, 2014. (ECF No. 1). The matter was referred to a United
18 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

19 On October 14, 2016, Magistrate Judge Erica P. Grosjean entered findings and
20 recommendations, recommending that this action be dismissed without prejudice for Plaintiff's
21 failure to comply with a court order and failure to prosecute. (ECF No. 50). Plaintiff filed
22 objections to the Findings and Recommendations on October 31, 2016. (ECF No. 54). Over
23 Plaintiff's objection, on November 2, 2016, the Court adopted Magistrate Judge Grosjean's
24 findings and recommendations. (ECF No. 56).

25 Plaintiff has already objected, and his objection was taken into consideration when the
26 Court adopted Magistrate Judge Grosjean's findings and recommendations. Plaintiff did not
27 ask for, and was not given, leave to file a supplemental objection. However, even if the Court
28 were to consider Plaintiff's supplemental objection, it would not change the Court's ruling.

1 Once again, Plaintiff attempts to explain why he should not have to follow the page limit he
2 was given. Plaintiff also requests that the Court consider this supplemental objection and his
3 objection as one objection. Finally, Plaintiff requests that the Court appoint an attorney.

4 Plaintiff's supplemental objection is overruled. As laid out in detail in the Court's order
5 adopting Magistrate Judge Grosjean's findings and recommendations, Plaintiff has failed to
6 follow court orders in this case, failed to prosecute this case, and has a history of failing to
7 prosecute cases and failing to follow court orders.

8 Further, the Court will not appoint counsel. The Court has denied numerous requests
9 for the appointment of counsel already (ECF Nos. 12, 23, 27, 31, 37, & 49), and will not order
10 one appointed now, after the case has already been dismissed.

11 Accordingly, IT IS ORDERED that Plaintiff's supplemental objection is
12 OVERRULED.

13 IT IS FUTHER ORDERED that Plaintiff's request for appointment of counsel is
14 DENIED.

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16 IT IS SO ORDERED.

17 Dated: November 16, 2016

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE