

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

ALFRED R. KIDD,)	
)	
Plaintiff,)	Case No. CV 01:06-1098 BLW MHW
)	
v.)	ORDER
)	
V. BIGGS, et al.,)	
)	
Defendants.)	
_____)	

This case has been referred to the undersigned United States Magistrate Judge for all pretrial matters. (Docket No. 23.) Before the Court are Plaintiff’s Motion for Appointment of Counsel and Defendants’ Request to Take Plaintiff’s Deposition Via Videoconference.

The Court having been fully advised in these matters, NOW THEREFORE IT IS HEREBY ORDERED:

1. Plaintiff’s Motion for Appointment of Counsel (Docket No. 42) is DENIED without prejudice. Plaintiff continues to be able to access the Court and to articulate his claims sufficiently, perhaps with the assistance of other inmates, and it remains unclear whether any claims are potentially meritorious. *See Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991) (holding that counsel should be appointed under 28 U.S.C. § 1915 only in

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“exceptional circumstances”).

2. Defendants’ Request to Take Plaintiff’s Deposition Via Videoconference (Docket No. 45) is GRANTED. Defendants’ counsel shall be given leave to conduct Plaintiff’s deposition via videoconference, in accordance with Rule 30(b)(2)(B) and (b)(4) of the Federal Rules of Civil Procedure, after providing reasonable notice to Plaintiff.



DATED: February 19, 2010

A handwritten signature in black ink, appearing to read "Mikel H. Williams".

Honorable Mikel H. Williams
United States Magistrate Judge