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

Amber Renaye Coston-Moore,
Plaintiff,
vs.
L. Medina, et al.,
Defendant.

No. 1:06-CV-01183-RCC

ORDER

Plaintiff filed her First Amended Complaint in this action pursuant to 42 U.S.C. § 1983 and alleges certain constitutional violations. (Doc. 23). Pending now before the Court are Plaintiff’s Request for Court Appointed Counsel (Doc. 26), and Interrogatories and Request for Production of Documents (Doc. 30).

I. Request for Court Appointed Counsel

Counsel is only appointed in a civil rights action in “exceptional circumstances.” Agyeman v. Corrections Corp. of America, 390 F.3d 1101, 1103 (9th Cir. 2004); Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); , 935 F.2d 1015, 1017 (9th Cir.1991). “A finding of exceptional circumstances requires an evaluation of both ‘the likelihood of success on the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved.’ ” Wilborn, 789 F.2d at 1331; see Agyeman, 390 F.3d at 1103; Terrell, 935 F.2d at 1017.

1 Plaintiff's assertions do not support the existence of exceptional circumstances.
2 Plaintiff appears well able to articulate her claims in light of the complexity of the legal
3 issues involved as well as to conduct discovery. Plaintiff's motion will be denied.

4 **II. Interrogatories and Request for Production of Documents**

5 Federal Rules of Civil Procedure 33 and 34 govern interrogatories and requests for
6 production of documents. The rules make clear these discovery requests should be served
7 on another party. These discovery requests should not be filed with the Court. Local
8 Rules 250.2 and 250.3. The filing will be struck from the record. Accordingly,

9 **IT IS ORDERED** denying Plaintiff's Request for Court Appointed Counsel.
10 (Doc. 26).

11 **IT IS FURTHER ORDERED** striking Plaintiff's Interrogatories and Request for
12 Production of Documents (Doc. 30) from the record.

13 DATED this 20th day of September, 2011.

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17 **Raner C. Collins**
18 **United States District Judge**

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