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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VALENTINE E. UNDERWOOD,  
Plaintiff,  
v.  
S. MARTIN, et al.,  
Defendants.

1:08-cv-00986 BAM (PC)  
  
ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL  
  
(ECF No. 160)

On March 26, 2015, an order was entered, granting in part and denying Defendants' motion for summary judgment. Judgment was granted on Plaintiff's retaliation claim and denied on Plaintiff's excessive force claim. Plaintiff filed a motion for reconsideration, which was denied on July 10, 2015. On August 18, 2015, Plaintiff filed a motion for the appointment of counsel to help him prepare for trial.

Because this case is pending before the Court of Appeal, any request for the appointment of counsel to assist in post-appeal proceedings is premature. Any request for the appointment of counsel regarding Plaintiff's appellate proceedings should be filed with the Court of Appeals.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for the appointment of counsel filed on August 18, 2015, is denied without prejudice.  
IT IS SO ORDERED.

Dated: August 24, 2015

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE