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

Owen Thomas Kendrick,  
Plaintiff,  
vs.  
D. Pina, et al.,  
Defendant.

No. CV 08-1055-RCC

**ORDER**

Pending before the Court are two letters from the Plaintiff docketed as a Motion for Extension of Time (Doc. 26) and Motion for Court Order re Legal Documents (Doc. 27). These letters were filed on June 23, 2010 and July 12, 2010, respectively.

In his first letter, Plaintiff requests an extension of time to file his response to Defendants' Motion to Dismiss (Doc. 22), because he was never served with the motion and because he is having difficulty obtaining documents related to his use of administrative remedies from Defendants. In the second letter, Plaintiff complains that his access to the law library as well as writing and mailing materials is restricted such that he cannot formulate a response. He also complains that his legal documents and medical documents related to these claims are missing and that this affects his ability to prepare a response as well. Finally, Plaintiff requests appointment of a lawyer based on his mental disability and current level of medication. The Defendants have not filed a response to these letters to date.

1 As to Plaintiff's request for appointment of counsel the Court will deny the request.  
2 See Ivey v. Bd. of Regents of Univ. of Alaska, 673 F.2d 266, 269 (9th Cir. 1982) (no  
3 constitutional right to appointment of counsel in a civil case); Terrell v. Brewer, 935 F.2d  
4 1015, 1017 (9th Cir. 1991) ( appointment of counsel under 28 U.S.C. § 1915(e)(1) required  
5 only in "exceptional circumstances"). It does not appear at this time that exceptional  
6 circumstances are present. See Terrel, 935 F.2d at 1017 (court must consider likelihood of  
7 success on the merits and ability of Plaintiff to proceed pro se in light of legal complexities).

8 As to the other issues raised in the two letters, the Court will require a response from  
9 the Defendants. Accordingly,

10 **IT IS ORDERED** that Plaintiff's Motion for Court Order re Legal Documents (Doc.  
11 27) is **denied in part** as follows:

- 12 1. Plaintiff's request for appointment of counsel is **denied**; and
- 13 2. The Court will reserve ruling on all other issues presented in the motion  
14 pending a response from Defendants.

15 **IT IS FURTHER ORDERED** that Defendants shall file a response to both motions  
16 (Docs. 26 & 27) on or before **December 7, 2010**.

17 **IT IS FURTHER ORDERED** that Defendants shall serve a copy of the Motion to  
18 Dismiss (Doc. 22) on Plaintiff no later than **November 24, 2010**.

19 **IT IS FURTHER ORDERED** granting Plaintiff's Motion for Extension of Time  
20 (Doc. 26). The Court will issue an amended briefing schedule upon receipt of Defendants'  
21 response to the motions.

22 DATED this 17th day of November, 2010.

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26 **Raner C. Collins**  
27 **United States District Judge**  
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