

**UNITED STATES DISTRICT COURT**

## EASTERN DISTRICT OF CALIFORNIA

JOE DANNY HUERTA, CASE NO. 1:08-cv-01889-LJO-GBC (PC)

Plaintiff,

## ORDER APPOINTING COUNSEL

MARGARET MIMMS, et al.,

## Defendants.

## ORDER APPOINTING COUNSEL

## ORDER

Plaintiff Joe Danny Huerta is a former detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's original complaint filed December 9, 2008. (ECF No. 1.) On September 28, 2009, the Magistrate Judge screened the complaint and found that it states at least one cognizable claim against Doe Defendants for excessive force in violation of the Eighth Amendment. (ECF No. 10.)

While the complaint states a claim for relief for excessive force, Plaintiff does not identify Doe Defendants. Because Plaintiff is proceeding in forma pauperis, the Court must appoint the United States Marshal to serve each defendant with a summons and complaint. Fed. R. Civ. Pro. 4(c)(2). However, the Marshal cannot locate and serve

1 unidentified defendants.

2        The Court finds that appointment of counsel for Plaintiff is warranted for the  
3 limited purpose of assisting Plaintiff in identifying the Doe Defendants and filing a  
4 complaint, or amended complaint, if necessary. **Julius M. Cruz** has been selected by  
5 random draw from the Court's pro bono attorney panel to represent Plaintiff.

6        Accordingly, IT IS HEREBY ORDERED that:

7        1. **Julius M. Cruz** is appointed limited purpose counsel in the above  
8                    entitled matter. This appointment is for the limited purpose of  
9                    assisting Plaintiff in identifying the Doe Defendants and filing a  
10                    complaint, or amended complaint, if necessary.

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12        2. **Julius M. Cruz** has ninety (90) days from the date of service of this  
13                    Order in which to provide the Court with additional information  
14                    identifying the Doe Defendants, and file a complaint, or amended  
15                    complaint, if necessary. Mr. Cruz's appointment will terminate  
16                    when Defendants have filed an answer to Plaintiff's complaint.

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18        3. **Julius M. Cruz** shall notify Sujean Park, at (916) 930-4278, or via  
19                    email at [spark@caed.uscourts.gov](mailto:spark@caed.uscourts.gov), if he has any questions related  
20                    to the appointment.

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22        4. If Plaintiff agrees to be represented by counsel, counsel shall file a  
23                    Notice of Association of Counsel within thirty (30) days of this  
24                    Order. If Plaintiff rejects the appointment of counsel, counsel shall  
25                    notify the Court in writing within thirty (30) days and counsel will be  
26                    allowed to withdraw so Plaintiff may proceed pro se.

1           5. The Clerk of the Court is directed to serve a copy of this order upon  
2           **Julius M. Cruz**, Sawl Law Group, 2150 Tulare Street, Fresno, CA  
3           93721.

4 IT IS SO ORDERED.

5 Dated: June 20, 2011

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7           UNITED STATES MAGISTRATE JUDGE

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