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

ANDREW R. LOPEZ,  
Plaintiff,  
vs.  
FLOREZ, et al,  
Defendants.

Case No. 1:08-cv-01975-LJO-JLT (PC)  
**ORDER DENYING DIRECTIVE TO  
CEASE REFERRING TO LOPEZ V.  
COOK**  
(Doc. 99)

On December 21, 2012, Plaintiff filed a motion entitled, “Plaintiff’s Directive to Cease Referring to Lopez v. Cook Determination.” (Doc. 99). In his motion, Plaintiff demands that the Court stop citing to and relying upon the language used in Lopez v. Cook 2:03-cv-1605, as he believes it is not valid authority. (Doc. 99). Plaintiff seems to further contend that the Court’s improper reliance upon such language warrants reconsideration of the District Judge’s November 11, 2012 order denying his prior motion for reconsideration of the order denying counsel. (Doc. 99).

Just as this Court cannot instruct Plaintiff about which cases he may or may not cite, Plaintiff cannot demand that this Court only cite cases he believes to be relevant. Furthermore, it is not this Court’s responsibility to educate Plaintiff on the legal issues decided in Plaintiff’s prior cases. However, in an effort to save this Court from having to respond to further frivolous motions on this issue, the Court advises Plaintiff that the Ninth Circuit decision in Lopez v. Cook

1 2:03-cv-1605 (see doc. 337) appointed counsel on appeal to merely “assist the court.” It did not  
2 find Plaintiff’s case to be extraordinary, nor did the Ninth Circuit criticize any of the reasoning  
3 used by the District Court in denying Plaintiff’s request for counsel. (Id.) Thus, this Court’s  
4 citations to Lopez v. Cook 2:03-cv-1605, to which Plaintiff refers, are proper and are not a basis  
5 for a further motion for reconsideration. Plaintiff’s request for reconsideration regarding his  
6 motion for appointment of counsel has been reviewed and decided.

7 For the foregoing reasons IT IS HEREBY ORDERED that “Plaintiff’s Directive to Cease  
8 Referring to Lopez v. Cook Determination” is **DENIED**.

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10 IT IS SO ORDERED.

11 Dated: January 2, 2013

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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