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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 MOTION TO
APPOINT COUNSEL**

(Doc. 108).

On January 7, 2013, Plaintiff filed his seventh request for appointed counsel. (Doc. 108). Plaintiff's motion comes five days after the filing of his prior motion for appointed counsel. (Docs. 104). For the reasons previously stated in the six prior orders denying Plaintiff's request and the reasons set forth below, Plaintiff's seventh motion to appoint counsel is DENIED.

In the two days since the Court last reviewed Plaintiff's case, it has not found any additional information that would render the case exceptional. Likewise, Plaintiff continues to demonstrate that he is able to articulate numerous arguments regarding his claims.

As before, Plaintiff continues to claim that his ability to litigate his case is being obstructed. (Doc. 108). In this motion, Plaintiff complains that due to the holidays the law library has been closed and he has had to hand write every copy of his motion (as he has not had access to a copy machine). (Doc. 108). However, the right to access a law library is not for the

1 purpose of using a copy machine but is, instead, limited to allowing reasonable access to the
2 Court. Moreover, once again, the Court reminds Plaintiff that the fact that a licensed attorney
3 may be able to navigate the legal system better than Plaintiff or has access to a copy machine is
4 not the standard for evaluating appointment of counsel. *See Rand v. Rowland*, 113 F.3d 1520,
5 1525 (9th Cir. 1997). As set forth in the Court's prior rulings, Plaintiff's case is not exceptional
6 and the fact that Plaintiff does not have access to a copy machine does not change the Court's
7 view of his case. This Court cautioned Plaintiff in its January 7, 2013 order denying his request
8 for counsel (which he did not wait to receive before filing his instant motion) that the continued
9 filing of frivolous motions will result in the imposition of sanctions, up to and including dismissal
10 of this litigation.

11 For the reasons set forth above IT IS HEREBY ORDERED that Plaintiff's motion for the
12 appointment of counsel is DENIED, without prejudice. **However, Plaintiff is instructed that**
13 **the filing of any further frivolous motions, like the one presently before this Court, will**
14 **result in sanctions and a recommendation that the matter be dismissed.**

15
16 IT IS SO ORDERED.

17 Dated: **January 9, 2013**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE