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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DANA PENNEY,	)	1:09-cv-382 GSA
	)	
Plaintiff,	)	
	)	
v.	)	ORDER DENYING IFP APPLICATION
	)	AND MOTION TO APPOINT COUNSEL
JON FRANCO, LOURDES METTRY,	)	
JAMES SORENSON, and HECTOR A.	)	(Docs. 39-40)
RIOS, JR.	)	
Defendants.	)	
_____	)	

On October 21, 2011, Dana Penny, a state prisoner, filed an Motion to Proceed In Forma Pauperis (Doc. 40) and a Motion to Appoint Counsel . (Doc. 39). However, these motions are denied as they are not properly filed. First, this case was dismissed and it was closed on September 14, 2009. (Doc. 36 and 37). Thus, there are no proceedings currently pending in this court. Second, the docket reflects that when the case was active, counsel of record was Timothy V. Magill. Therefore, Plaintiff may not file documents in this action.

