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

PATRICK KUNKEL,)	Case No.: 1:09-cv-00686 BAM (PC)
Plaintiff,)	
v.)	ORDER DENYING REQUEST FOR
)	APPOINTMENT OF COUNSEL AS MOOT
N. DILL, et al.,)	(ECF No. 195)
Defendants.)	
)	
)	
)	

On July 15, 2013, Plaintiff filed a motion seeking the appointment of counsel, along with a motion to cancel the settlement agreement. Plaintiff sought the appointment of counsel in the event that either (1) the Court required a hearing on his pending motion(s) to cancel the settlement agreement or (2) this action proceeded to trial. (ECF No. 195.)

On October 17, 2013, the Court denied Plaintiff's motions to cancel the settlement agreement, granted Plaintiff twenty-one days in which to sign the settlement agreement, and directed Plaintiff to file a statement with the Court confirming that he had signed and mailed the settlement documents to defendants. The Court also cautioned Plaintiff that his failure to comply with the order would result in the dismissal of this action. (ECF No. 199.)

Based on the Court's October 17, 2013 order denying Plaintiff's motions to cancel the settlement agreement and directing Plaintiff to sign the settlement documents, this matter will neither proceed to hearing on Plaintiff's motions to cancel the settlement agreement nor proceed to trial.

1 Accordingly, Plaintiff's request for the appointment of counsel is unnecessary and is DENIED as
2 moot.

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IT IS SO ORDERED.

Dated: October 23, 2013

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE