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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KELVIN ALLEN,

Plaintiff,

v.

MEYER, et al.,

Defendants.

Case No. 1:09-cv-00729 LJO DLB PC

**ORDER DENYING PLAINTIFF’S MOTION
FOR APPOINTMENT OF COUNSEL
WITHOUT PREJUDICE**

(Document 74)

Plaintiff Kelvin Allen (“Plaintiff”) is a California state prisoner proceeding in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On June 20, 2014, the Ninth Circuit Court of Appeals remanded the action to this Court with instructions to vacate the judgment.

Pursuant to the July 23, 2014, Notice of Appearance, Plaintiff is represented by counsel for the limited purpose of resolving the issue of exhaustion of administrative remedies.

On January 27, 2015, Plaintiff filed a motion for the appointment of counsel to represent him on issues other than exhaustion. At this point in the proceedings, however, only the exhaustion issue is before the Court. In other words, the Court has not yet moved on to the merits of Plaintiff’s claims.

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Accordingly, the Court DENIES Plaintiff's motion WITHOUT PREJUDICE. If the action survives the exhaustion challenge, Plaintiff may file a motion for the appointment of counsel at that time.

IT IS SO ORDERED.

Dated: January 30, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE