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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NICHOLAS V. RICH,	CASE NO. 1:09-CV-1615-MJS (PC)
Plaintiff,	ORDER DENYING MOTION FOR RECONSIDERATION
v.	(DOC. 10)
CALIFORNIA DEPT. OF CORRECTIONS, et al.,	
Defendants.	

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Plaintiff Nicholas V. Rich (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On October 2, 2009, Plaintiff submitted a Motion for Appointment of Counsel (Docket # 5). The Court denied Plaintiff’s request for counsel finding that Plaintiff’s case did not present exceptional circumstances which would justify the Court seeking volunteer counsel for Plaintiff (Docket # 6). Plaintiff now moves for reconsideration of the Court’s denial of the appointment of counsel.

Motions to reconsider are committed to the discretion of the trial court. Combs v. Nick Garin Trucking, 825 F.2d 437, 441 (D.C. Cir.1987); Rodgers v. Watt, 722 F.2d 456, 460 (9th Cir.1983) (en banc). The Local Rules provide that when filing a motion for reconsideration, a party must show that “new or different facts or circumstances claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the motion.” Local Rule 78-230(k)(3). The Court has reviewed the filings in this case and finds that Plaintiff has failed to present new or different facts from when the Court ruled on the prior motion. Plaintiff’s Complaint has not been

1 amended and no new allegations have been made. Accordingly, there is no reason to disturb the  
2 Court's finding that Plaintiff's case is not so exceptional as to warrant the Court attempting to locate  
3 an attorney to represent Plaintiff. Even if it were assumed that plaintiff has made serious allegations  
4 which, if proved, would entitle him to relief, his case is not exceptional. This court is faced with  
5 similar cases almost daily. Thus, the court does not find good cause at this time to modify its order  
6 denying appointment of counsel.

7           Accordingly, it is ORDERED that Plaintiff's Motion for Reconsideration (Docket # 10) is  
8 DENIED without prejudice to Plaintiff's ability to re-raise the issue at a later stage in the litigation.

9  
10 IT IS SO ORDERED.

11 Dated: June 12, 2010

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE