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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN MIHALOVIC,)	1:10-cv-01061 AWI GSA
)	
Plaintiff,)	ORDER REGARDING PLAINTIFF’S
)	MISCELLANEOUS REQUEST
v.)	(Document 9)
)	
MATTHEW WEISS, et al.,)	ORDER REGARDING PLAINTIFF’S
)	REQUEST FOR APPOINTMENT OF
Defendants.)	COUNSEL
)	(Document 10)

Miscellaneous Requests

In a letter dated October 29, 2010, and filed November 2, 2010, Plaintiff makes a number of requests with regard to his pending case. The Court will address each in turn.

After advising the Court that he was enclosing certain documents, Plaintiff asked, “what do I do from here? Have defendants been served? Can you please let me know what the next step is?” Plaintiff is advised that his complaint was recently screened and an order issued on November 2, 2010, wherein Plaintiff was provided thirty days within which to file a first amended complaint. Plaintiff is directed to the First Informational Order, filed June 14, 2010, at pages five and six, paragraph twelve, wherein it states “[t]he court is required to screen

1 complaints brought by prisoners seeking relief . . . The court will direct the United States
2 Marshal to serve plaintiff’s complaint *only after the court has screened the complaint and*
3 *determined that it contains cognizable claims for relief against the named defendants . . .”*
4 (Doc. 3, emphasis added.)

5 Because the Court screened Plaintiff’s complaint, and the original complaint fails to state
6 cognizable claims, Defendants have not been served. In other words, until the Court determines
7 Plaintiff’s complaint is sufficient,¹ it will not be sent out for service of process. Plaintiff is
8 advised this Court’s docket contains an extraordinary number of prisoner civil rights cases, and
9 delays of several months are not unusual in light of this Court’s unusually high workload.

10 Next, Plaintiff asks “[i]s there a lawyer there that would help or take my case? . . . I’m not
11 a lawyer and I could possibly use some help.” In light of Plaintiff’s subsequently-filed Motion
12 for the Appointment of Counsel (Doc. 10), this question is answered separately below.

13 Plaintiff then advises that he will parole on or about May 28, 2011, and thus asks “what
14 happens if I’m not able to pay any money for the filing fee” before that date? In the event
15 Plaintiff is paroled prior to the collection of the \$350.00 filing fee, he shall submit any remaining
16 balance should he have funds available to do so following his release. As of the date of this
17 Order, the balance remaining is \$350.00.

18 Lastly, the Court takes this opportunity to direct Plaintiff’s attention, once again, to the
19 First Informational Order of June 14, 2010, wherein Plaintiff was advised that the Court “cannot
20 serve as a repository for the parties’ evidence . . . The parties may not file evidence with the
21 court until the course of litigation brings the evidence into question (for example, on a motion for
22 summary judgment, at trial, or when requested by the court).” (Doc. 3, ¶ 6.) Accordingly,
23 Plaintiff shall refrain from sending the court incident reports, et cetera, unless expressly
24 requested to do so.

25
26 ¹Plaintiff is advised also that upon receipt of his first amended complaint, the Court will
27 again screen the amended complaint to ensure it states claims upon which relief can be granted
and/or does not contain frivolous claims.

