1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 SUSAN MAE POLK, Case No. 1:12-cv-01156-DAD-BAM (PC) 12 ORDER DISREGARDING DEFENDANT'S Plaintiff. **OPPOSITION** 13 v. (ECF No. 138) 14 LATTIMORE, et al., 15 Defendants. 16 17 Plaintiff Susan Mae Polk ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on 18 19 Plaintiff's fifth amended complaint against Defendant Baron for retaliation in violation of the 20 First Amendment and deliberate indifference in violation of the Eighth Amendment. 21 On April 12, 2021, Defendant Baron filed a document titled "Defendant's Opposition to 22 Plaintiff's Motion for Appointment of Counsel [ECF No. ...]" (ECF No. 138.) 23 As the Court has not received any motion for appointment of counsel from Plaintiff, 24 Defendant has not referenced a specific docket entry where such a request was made, and nothing else in Defendant's filing indicates that the Court should expect to receive such a motion in the 25 26 near future, Defendant's opposition is disregarded as premature. Should such a motion be 27 docketed in the future, Defendant is free to renew and re-file the opposition, if necessary. 28 However, Defendant is discouraged from prematurely filing oppositions before the corresponding 1

motion is docketed by the Court. Accordingly, Defendant's opposition, (ECF No. 138), is HEREBY DISREGARDED as premature. IT IS SO ORDERED. /s/ Barbara A. McAuliffe Dated: **April 16, 2021** UNITED STATES MAGISTRATE JUDGE