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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ELTON ERVIN,

12 Plaintiff,

13 vs.

14 MERCED POLICE DEPARTMENT, *et*
15 *al.*,

16 Defendants.

1:13-cv-446-EPG

ORDER GRANTING APPOINTMENT OF
COUNSEL FOR PURPOSES OF
SETTLEMENT

(Docs. 126 and 131)

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18 Plaintiff, Elton Ervin (“Plaintiff”), is a state prisoner proceeding *pro se* and *in forma*
19 *pauperis* in this civil rights action pursuant to 42 U.S.C § 1983. On October 19 and October 28,
20 2015, Plaintiff filed motions for the appointment of counsel. (Docs. 126 and 131). For the
21 reasons described on the record during the status conference held on October 28, 2015, the
22 Court finds that the appointment of counsel is warranted. However, also as discussed during
23 that status conference, the Court lacks the ability to pay for or compel any counsel to represent
24 Plaintiff in this civil action.

25 Following that status conference, William L. Schmidt, an attorney from the Court’s *pro*
26 *bono* attorney panel, agreed to represent Plaintiff for purposes of the January 19, 2016
27 settlement conference, with the understanding that he will consider appointment for purposes of
28 trial following that settlement conference if the conference is unsuccessful.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Court appoints William L. Schmidt as counsel for Plaintiff in the above-entitled
3 matter. This appointment is for the limited purpose of assisting Plaintiff with preparing
4 for, and participating in, a settlement conference currently scheduled for January 19,
5 2016 at 10:30 a.m., before the Honorable Gary S. Austin;

6 2. William Schmidt's appointment will terminate fifteen days after completion of
7 the settlement conference, or any continuation of the settlement conference. Prior
8 to the termination of the appointment, the Court will accord counsel the option of
9 discontinuing his representation of Plaintiff, or at his discretion, proceeding as
10 Plaintiff's appointed counsel for trial. If counsel does not wish to continue
11 representation of Plaintiff after he has carried out his limited purpose, the Court
12 will consider appointing new counsel for Plaintiff, if deemed appropriate at that
13 time;

14 3. Appointed counsel shall notify Sujean Park at (916) 930-4278, or via email at
15 spark@caed.uscourts.gov if he has any questions related to the appointment; and

16 4. The Clerk of the Court is directed to serve a copy of this order upon William L.
17 Schmidt, Attorney at Law, 377 W. Fallbrook, Suite 205, Fresno, California 93711.

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19 IT IS SO ORDERED.

20 Dated: November 23, 2015

21 /s/ Eric P. Grogan
22 UNITED STATES MAGISTRATE JUDGE
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