

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARIO PERALEZ,

Case No. 1:14-cv-00436-SKO

Plaintiff,

v.

**ORDER ON PLAINTIFF'S EX PARTE  
"SEALED" SUBMISSION**

GREGORY CATTON, et al.,

Defendants.

---

The Court is in receipt of an "ex parte motion" for appointment of counsel submitted by Plaintiff via email. The document states it was submitted "under seal" and therefore emailed to the Court rather than filed electronically on the CM/ECF docket.

Plaintiff requests that the Court appoint his current counsel of record, Kevin Little, Esq., as his counsel. The Court initially notes that nothing in the request explains why it was submitted ex parte and without notice to Defendants. In any event, the proper procedure for requesting that a document be filed under seal has not been followed. If Plaintiff wishes to file his motion under seal, he must comply with the procedures set forth in Local Rule 141.

1 Substantively, any request filed by Plaintiff for appointment of counsel must include an  
2 explanation as to why appointment of counsel is necessary given that Plaintiff's counsel filed the  
3 complaint and has been representing Plaintiff for the duration of this litigation. Additionally, the  
4 request must specify the authority for appointment of counsel as Plaintiff is not proceeding *in*  
5 *forma pauperis*.

6 Accordingly, IT IS HEREBY ORDERED that Plaintiff's ex parte motion for the  
7 appointment of counsel submitted via email to the court is DENIED without prejudice.

8  
9  
10 IT IS SO ORDERED.

11 Dated: November 25, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE