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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JONATHAN W. MUNDO,
Plaintiff,
v.
HECTOR CARMONA, et al.,
Defendants.

**Case No. 1:16-cv-01687-AWI-MJS
(PC)**
**ORDER DENYING RENEWED
MOTION TO APPOINT COUNSEL**
(ECF No. 55)

Plaintiff, a prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 7, 2016. (ECF No. 1.) On March 26, 2018, the parties filed a stipulation of dismissal signed by Plaintiff and David Carrasco, counsel for Defendants. (ECF No. 53.) Plaintiff signed the stipulation on March 13, 2018. (Id.) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) the action was terminated by operation of law, all pending dates and matters were vacated, and the Clerk of Court closed the case. (ECF No. 54.)

On April 2, 2018, however, Plaintiff filed a renewed motion to appoint counsel. (ECF No. 55.) he there acknowledges signing the settlement agreement, but says he is still receiving discovery requests and needs counsel to help him “better negotiate a settlement and/or prepare a defense/case for an evidentiary hearing/trial.” (Id.) Plaintiff attaches copies of letters and documents confirming the settlement and disposition of the case (Id. at 3 & 4).

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While a court may request voluntary assistance of counsel pursuant to section 1915(e)(1) in certain exceptional circumstances, Rand, 113 F.3d at 1525, such circumstances are not present here where the case has already been settled and dismissed. Accordingly, there is no need to appoint counsel for Plaintiff. There is indeed no action still pending in which counsel could be appointed.

For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's renewed motion to appoint counsel is DENIED.

IT IS SO ORDERED.

Dated: April 6, 2018

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE