

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TOY TERRELL SMITH,
Plaintiff
v.
HUTCHINSON, et al.,
Defendant

Case No. 1:16-cv-01924-LJO-JDP

**ORDER DIRECTING THE CLERK'S OFFICE
TO FORWARD PLAINTIFF'S MOTION TO
APPOINT COUNSEL TO THE COURT OF
APPEALS**

ECF No. 84

Plaintiff Toy Terrell Smith is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. Smith has filed both a notice of appeal and a motion to appoint counsel for the appellate proceeding. See ECF Nos. 84 and 85. Because the merits of the motion for counsel are most appropriately handled by the appellate court in which Smith will be proceeding, I direct the clerk's office to forward Smith's motion to the court of appeals.

IT IS SO ORDERED.

Dated: October 17, 2019

UNITED STATES MAGISTRATE JUDGE