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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	RICARDO MARTINEZ,	No. 1:19-cv-00812-DAD-SAB (PC)
12	Plaintiff,	
13	v.	ORDER ADOPTING FINDINGS AND RECOMMENDATONS, DISMISSING
14	J. LEWIS, et al.,	<u>ACTION</u>
15	Defendants.	(Doc. No. 22, 23)
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18	Plaintiff Ricardo Martinez is a state prisoner appearing pro se and in forma pauperis in	
19	this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States	
20	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
21	On October 8, 2019, the assigned magistrate judge issued findings and recommendations,	
22	recommending that this action be dismissed for failure to state a cognizable claim for relief.	
23	(Doc. No. 22.) The findings and recommendations were served on plaintiff and contained notice	
24	that objections thereto were due within twenty-one (21) days. (Id.)	
25	Plaintiff filed his objections on October 23, 2019. (Doc. No. 23.) In those objections,	
26	plaintiff fails to meaningfully dispute the magistrate judge's finding that his third amended	
27	complaint does not state a cognizable claim. Instead, he requests the appointment of counsel for	
28	the "limited purpose of investigating the claims & then drafting and filing a Fourth Amended 1	

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1	Complaint." (<i>Id.</i>) The magistrate judge has denied plaintiff's three previous requests for		
2	appointment of counsel, each time finding that plaintiff failed to demonstrate exceptional		
3	circumstances in this case that would justify the appointment of counsel. (Doc. Nos. 13, 16, 21.)		
4	Plaintiff's fourth request is similarly fated, as plaintiff has again failed to demonstrate		
5	exceptional circumstances justifying the appointment of counsel. Plaintiff has not shown a		
6	likelihood of success on the merits and the court does not find that the legal issues implicated by		
7	his claims are complex. See Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997) (In		
8	determining whether "exceptional circumstances exist, the district must evaluate both the		
9	likelihood of success on the merits [and] the ability to articulate his claims pro se in light of the		
10	complexity of the legal issues involved.") (internal quotation marks and citations omitted).		
11	Accordingly, plaintiff's fourth request for appointment of counsel will be denied.		
12	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a		
13	<i>de novo</i> review of this case. ¹ Having carefully reviewed the entire file, including plaintiff's		
14	objections, the court finds the findings and recommendations to be supported by the record and		
15	by proper analysis.		
16	Accordingly:		
17	1. The findings and recommendations issued on October 8, 2019 (Doc. No. 22) are		
18	adopted;		
19	2. This action is dismissed without leave to amend for failure to state a cognizable claim		
20	for relief;		
21	3. Plaintiff's request for the appointment of counsel (Doc. No. 23) is denied; and		
22	4. The Clerk of the Court is directed to close this action.		
23	IT IS SO ORDERED.		
24	Dated: December 13 2019 Dale A. Drad		
25	Dated: December 13, 2019 UNITED STATES DISTRICT JUDGE		
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27	$\frac{1}{1}$ The court notes that the claims brought in this case are substantially similar to those brought by		
28	plaintiff in <i>Martinez v. Standon et al.</i> , Case No. 1:19-cv-00845-SAB (PC) (E.D. Cal.). That case was dismissed by this court for failure to state a cognizable claim.		
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