



1 Plaintiff filed his objections on October 4, 2021. (Doc. 13.) Plaintiff's objections asserted  
2 that his deliberate indifference claims should survive because the doctor at issue failed to  
3 schedule follow-up appointments after treating plaintiff. (Doc. 13 at 2.) Plaintiff also requested  
4 that he be given an attorney to advise him in these proceedings. (*Id.*; *see also* Doc. 15.) The  
5 magistrate judge denied Plaintiff's request for an attorney on November 30, 2021. (Doc. 16.) On  
6 December 13, 2021, Plaintiff filed what the Court construes as objections to the magistrate  
7 judge's order denying Plaintiff's motion for appointment of counsel. (Doc. 17.) The Court has  
8 reviewed both the magistrate judge's order denying appointment of counsel and the screening  
9 findings and recommendations.

10 Pursuant to Federal Rule of Civil Procedure 72(a), when reviewing a magistrate judge's  
11 non-dispositive order denying appointment of counsel, "[t]he district judge in the case must  
12 consider timely objections and modify or set aside any part of the order that is clearly erroneous  
13 or is contrary to law." *See* 28 U.S.C. § 636(b)(1)(A); Local Rule 303; *Dalke v. Clark*, 2021 WL  
14 3783912 (E.D. Cal. 2021). Under the clearly erroneous standard of review, a district court may  
15 overturn a magistrate judge's ruling "only if the district court is left with the definite and firm  
16 conviction that a mistake has been made." *Computer Economics, Inc. v. Gartner Group, Inc.*, 50  
17 F. Supp. 2d 980, 983 (S.D. Cal. 1999) (quoting *Weeks v. Samsung Heavy Indus. Co., Ltd.*, 126  
18 F.3d 926, 943 (7th Cir. 1997)). Under the contrary to law standard, a district court may conduct  
19 independent review of purely legal determinations by a magistrate judge. *Id.*

20 The Court has reviewed the magistrate judge's order (Doc. 16), and it was not contrary to  
21 law or clearly erroneous. Accordingly, Plaintiff's objections to the magistrate judge's order,  
22 (Doc. 17), are overruled. Plaintiff is advised that he is not precluded from renewing his motion  
23 for appointment of pro bono counsel at a later stage of the proceedings.

24 With respect to the screening findings and recommendations, the Court has conducted a  
25 *de novo* review of the case in accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and  
26 Local Rule 304. Having carefully reviewed the entire file, the Court finds the findings and  
27 recommendations to be supported by the record and proper analysis. Accordingly,

28 1. The findings and recommendations issued on September 22, 2021, (Doc. 12), are

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adopted in full;

2. This case proceeds on plaintiff’s Eighth Amendment excessive force claim against defendant Mayfield and defendant Doe;
3. All other claims are dismissed as discussed in the findings and recommendations issued on September 22, 2021; and
4. Plaintiff’s request for appointment of pro bono counsel is denied, without prejudice.

IT IS SO ORDERED.

Dated: January 9, 2022

  
UNITED STATES DISTRICT JUDGE