



1 U.S.C. § 1983 against a state official in his individual capacity to vindicate rights created by  
2 Title II of the ADA. *Vinson v. Thomas*, 288 F.3d 1145, 1156 (9th Cir. 2002). To the extent  
3 Plaintiff seeks appointment of counsel, the Court denies his motion. Plaintiff does not have a  
4 constitutional right to appointed counsel in this action, *Rand v. Rowland*, 113 F.3d 1520, 1525  
5 (9th Cir. 1997), *withdrawn in part on reh'g en banc*, 154 F.3d 952 (9th Cir. 1998), and the Court  
6 cannot require an attorney to represent Plaintiff pursuant to 28 U.S.C. § 1915(e)(1). *Mallard v.*  
7 *United States District Court for the Southern District of Iowa*, 490 U.S. 296, 298 (1989). Because  
8 this action is being closed as duplicative, Plaintiff should make his request for counsel in the still-  
9 pending *Schowachert I* case.

10 According to 28 U.S.C. § 636 (b)(1)(C) and Local Rule 304, this Court conducted a de  
11 novo review of this case. Having carefully reviewed the entire action, the Court concludes the  
12 Findings and Recommendations to be supported by the record and proper analysis. Thus, the  
13 Court **ORDERS**:

- 14 1. The Findings and Recommendations issued on November 17, 2023 (Doc. 8) are  
15 **ADOPTED** in full.
- 16 2. All pending motions are **TERMINATED**.
- 17 3. This case is **DISMISSED**, with prejudice, as duplicative.
- 18 4. The Clerk of Court is directed to close this case.

19  
20 IT IS SO ORDERED.

21 Dated: December 19, 2023

  
UNITED STATES DISTRICT JUDGE