UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW RICK LOPEZ, Plaintiff, v. D. PETERSON, et al., Defendants.	No. 2:98-cv-2111-MCE-EFB P ORDER

Plaintiff is a state prisoner proceeding in an action brought under 42 U.S.C. § 1983. On July 8, 2015, the court appointed counsel for plaintiff for the limited purpose of conducting discovery. ECF No. 403. The parties have since stipulated to extending the deadline for discovery, and necessarily, the deadline for filing dispositive motions. ECF Nos. 413, 419, 421.

In his "motion to strike" and motion for appointment of counsel (ECF No. 423), plaintiff argues that appointed counsel exceeded the scope of his representation by stipulating to extend the deadline for filing dispositive motions. Plaintiff asks the court to invalidate its orders approving the stipulations. The court declines to do so. In this case, discovery remains open to the extent that a pending motion to compel has not yet been ruled upon. Because discovery remains open, it is necessary to extend the deadline for filing dispositive motions. The extensions thereof have been supported by good cause and are not unreasonably lengthy. Therefore, plaintiff's request for the court to invalidate its orders extending the dispositive motions deadline is denied.

Plaintiff also requests counsel to represent him in this case on all non-discovery matters. As noted, this case is currently in the discovery stage and plaintiff has counsel to assist him in all discovery matters. Should plaintiff request continued representation following the close of discovery, he may request that his current counsel continue to represent him on all remaining matters. At this time, the court will not appoint a second attorney to represent plaintiff.

Accordingly, IT IS HEREBY ORDERED that plaintiff's "motion to strike" and motion for the appointment of counsel (ECF No. 423) is denied.

DATED: August 25, 2015.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE