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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY RICHARD LOW,

Plaintiff,

No. CIV S-05-2211 MCE DAD P

vs.

GARY R. STANTON, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a former inmate of the Solano County Jail, is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. This proceeding was referred to the undersigned magistrate judge in accordance with Local Rule 302 and 28 U.S.C. § 636(b)(1). A further scheduling order was filed on April 20, 2010, setting dates for the filing of pretrial statements, motions to obtain the attendance of witnesses, pretrial conference and trial. On May 18, 2010, the court denied plaintiff’s request for the appointment of counsel. Now before the court is plaintiff’s motion for an order granting him certification to file an interlocutory appeal of the court’s order denying the appointment of counsel.

When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the

1 ultimate termination of the litigation, he shall so state in writing in
2 such order.

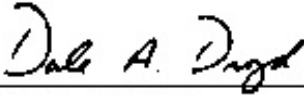
3 28 U.S.C. § 1292(b). Here, the court does not find that the order denying the appointment of
4 counsel involves a controlling question of law for which there is substantial ground for a
5 difference of opinion.

6 Accordingly, IT IS HEREBY ORDERED that

7 1. Plaintiff's June 7, 2010 motion for an order granting certification to file an
8 interlocutory appeal (Doc. No. 222) is denied; and

9 2. Any interlocutory appeal to the U.S. Court of Appeals for the Ninth Circuit
10 shall not stay these proceedings.

11 DATED: June 22, 2010.

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14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

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