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

RAYMOND PAUL NELSON,

Plaintiff,

Case No. 2:06-cv-1289 LKK KJN P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER

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Plaintiff is a former state prisoner, now paroled, proceeding without counsel in this civil rights action filed pursuant to 42 U.S.C. § 1983. The Trial Confirmation Hearing, initially scheduled for July 18, 2011, was twice continued to permit plaintiff adequate time to obtain legal representation.<sup>1</sup> On August 29, 2011, plaintiff again informed the court that his efforts to secure legal representation have, to date, been unsuccessful.

For the reasons stated at the hearing, and pursuant to plaintiff's request, the court finds that appointment of counsel may be warranted pursuant to this court's General Order No. 230 (which sets forth the criteria and procedure for appointment of counsel in Section 1983

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<sup>1</sup> The court notes that, during his incarceration, plaintiff unsuccessfully sought appointment of counsel on five different occasions. (See Dkt. No. 10 at 7-8; Dkt. No. 22; Dkt. No. 27 at 4-5; Dkt. No. 61 (two motions).)

1 cases). Such appointment is contingent in part on plaintiff's current economic status. Although  
2 plaintiff was granted in forma pauperis status while incarcerated, he must file a new application  
3 that sets forth his current financial status. Upon receipt of plaintiff's in forma pauperis  
4 application, the court will determine whether plaintiff meets all the criteria for appointment of  
5 counsel under General Order 230.

6 The currently scheduled date for commencement of trial, September 20, 2011, is  
7 vacated, as are all other related deadlines. A status conference is scheduled for Monday, October  
8 24, 2011, at 11:15 a.m., in Courtroom No. 4.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Plaintiff shall, *within seven days after service of this order*, complete, sign, and  
11 file a new application to proceed in forma pauperis, on the form provided herewith.


12 2. The Clerk of Court is directed to send plaintiff, with this order, a blank  
13 Application to Proceed Without Prepayment of Fees and Affidavit, *used in nonprisoner cases*.

14 3. The currently scheduled date for commencement of trial, September 20, 2011,  
15 is vacated, as are all other deadlines set forth in the court's Pretrial Order (Dkt. No. 104), pending  
16 further order of this court.

17 4. A status conference will be held on Monday, October 24, 2011, at 11:15 a.m.,  
18 in Courtroom No. 4.

19 SO ORDERED.

20 DATED: August 29, 2011.

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24 LAWRENCE K. KARLTON  
25 SENIOR JUDGE  
26 UNITED STATES DISTRICT COURT