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

RENO FUENTES RIOS,

Plaintiff,

No. 2:07-cv-0790 WBS KJN P

vs.

J.E. TILTON, et al.,

Defendants.

ORDER

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On March 30, 2012, plaintiff filed a motion to stay the deadlines set forth in this court's Further Scheduling Order, issued March 19, 2012, until final resolution of plaintiff's appeal then pending before the Ninth Circuit Court of Appeals. On April 3, 2012, the Court of Appeals issued a mandate rendering final its judgment entered January 10, 2012, which dismissed plaintiff's appeal for lack of jurisdiction. (Dkt. Nos. 115, 118.) Therefore, plaintiff's motion is now moot. The dates set forth in the recently-filed Further Scheduling Order (Dkt. No. 116) shall remain in effect.

One additional matter requires comment. The court previously denied plaintiff's several motions for appointment of counsel. (See Dkt. Nos. 28, 42, 81, 105, 113.) Most

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1 recently, the court stated (Dkt. No. 113 at 2):

2           The undersigned carefully reviewed and considered plaintiff's  
3 extensive filings in opposition to defendants' motion for summary  
4 judgment; they were factually detailed, and supported by adequate  
5 documentation; additionally, they addressed the appropriate legal  
6 standards and plaintiff persuasively presented his legal arguments;  
7 moreover, plaintiff prevailed in part. Pending a ruling by the Court  
8 of Appeals, this action may proceed to trial only on one claim, thus  
becoming a less complex case legally, while becoming more  
complex pragmatically. Absent a ruling from the Ninth Circuit,  
there is no basis for granting plaintiff's current request for  
appointment of counsel. Therefore, the request will be denied,  
without prejudice to its renewal after a ruling by the Court of  
Appeals, and demonstration of particular need by plaintiff.

9 The court also acknowledges that plaintiff resides in a Secure Housing Unit, with limited access  
10 to legal materials, and limited capacity to try this case on his own. Therefore, the court will duly  
11 consider a timely-filed further request for appointment of counsel in which plaintiff sets forth his  
12 unique circumstances and specific needs for representation in this case. Exceptional  
13 circumstances supporting appointment of counsel include an evaluation of plaintiff's ability to  
14 advocate his claims in light of the complexity of the legal matters involved, and the likelihood of  
15 success on the merits of plaintiff's claims. Agyeman v. Corrections Corporation of America, 390  
16 F.3d 1101, 1103 (9th Cir. 2004).

17           For these reasons, IT IS HEREBY ORDERED that:

18           1. Plaintiff's March 30, 2012 motion to stay this action (Dkt. No. 117), is denied  
19 as moot;

20           2. The deadlines set forth in this court's March 19, 2012 Further Scheduling  
21 Order (Dkt. No. 116), shall remain in effect absent further order of this court; and

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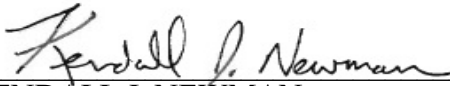
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1                   3. The court will duly consider a further motion for appointment of counsel,  
2 particularly if filed and served by plaintiff within fourteen (14) days after service of this order.

3 DATED: April 23, 2012

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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