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

MICHAEL CHESS,

Plaintiff,

No. 2:07-cv-1767 DAD P

vs.

J. DOVEY, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with this civil rights action seeking relief under 42 U.S.C. § 1983. On June 27, 2012, the jury in this case returned a verdict in favor of defendants, and the court entered judgment accordingly. Pending before the court is plaintiff's motion for an extension of time to file an appeal as well as plaintiff's motion for appointment of counsel on appeal.

On July 3, 2012, plaintiff filed a timely notice of appeal, and the court began processing his appeal. The United States Court of Appeals for the Ninth Circuit will set a schedule governing the appeal in due course. As such, the court will deny plaintiff's motion for an extension of time to file an appeal as unnecessary. As to plaintiff's motion for appointment of counsel, the court will deny this motion without prejudice to its refiling by plaintiff before the Ninth Circuit Court of Appeals.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's motion for an extension of time to file an appeal (Doc. No. 170) is
3 denied as unnecessary; and

4 2. Plaintiff's motion for appointment of counsel (Doc. No. 171) is denied without
5 prejudice to refileing it before the Ninth Circuit Court of Appeals.

6 DATED: July 16, 2012.

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9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

9 DAD:9
10 ches1767.appeal