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

JEFF AIDNIK,)	2:08-cv-02583-HDM-RAM
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
CALIFORNIA MEDICAL FACILITY, et)	
al.,)	
)	
Defendants.)	
_____)	

Before the court is the plaintiff's objection (#33) to the court's order denying his motion for appointment of counsel (#32), which the court construes as a motion for reconsideration.

As previously noted by this court, the required exceptional circumstances do not exist in this case. The issues are not complex, the plaintiff has demonstrated a grasp of the relevant law and an ability to present his case, and at this early stage in the proceedings, the court cannot make a determination that plaintiff

1 is likely to succeed on the merits. Plaintiff argues that he needs
2 an attorney because as a prisoner he will be unable to access the
3 personnel files of the defendants. Plaintiff has not cited, nor is
4 the court able to find, any law stating *pro se* prisoner plaintiffs
5 may only access properly discoverable personnel files through
6 appointed counsel. The plaintiff's access to the defendants'
7 personnel files is a matter for discovery. In order for plaintiff
8 to access any part of those files, he will have to show there is
9 relevant, discoverable information contained therein. Appointing
10 counsel on the basis that plaintiff cannot otherwise access
11 personnel files assumes he will be able to make this requisite
12 showing. Plaintiff has made no effort to meet this standard, nor
13 is such a determination proper at this stage of the proceedings.

14 Accordingly, the court hereby reaffirms its order denying
15 plaintiff's motion for appointment of counsel (#32) and denies his
16 motion for reconsideration (#33).

17 DATED: This 24th day of August, 2009.

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20 UNITED STATES DISTRICT JUDGE

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