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

ARCHIE A. MARTINEZ,

No. CIV S-09-0680-CMK-P

Plaintiff,

vs.

ORDER

G. HOOVER, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. On August 16, 2010, the undersigned denied Plaintiff's request for appointment of counsel (Doc. 29). Plaintiff has now filed a motion for reconsideration of that order, indicating that he was requesting not just the appointment of counsel, but for the court to refer his case to the civil rights clinic for evaluation (Doc. 31).

Plaintiff has not set forth any new or different facts or circumstances than were raised in his original motion. To the extent Plaintiff claims the court misunderstood his motion, such is not the case. As stated previously, the court does not find the required exceptional circumstances in this case to request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). This same reasoning

1 applies to referral to the civil rights clinic as well as direct appointment of counsel. This does
2 not, however, preclude Plaintiff from contacting the civil rights clinic himself.

3 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for
4 reconsideration of the order denying the appointment of or referral to counsel is DENIED.

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6 DATED: September 30, 2010

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE

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