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

GARY RAYMOND XAVIER,

Plaintiff,

No. CIV S-09-0783 LKK KJM P

vs.

S.M. ROCHE, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. Upon review of the documents on file and good cause appearing therefor, the court finds as follows:

1. Efforts to obtain legal representation for plaintiff without order of this court would be futile;

2. Plaintiff's income is 125 percent or less of the current poverty threshold established by the Office of Management and Budget of the United States and plaintiff is otherwise without resources to obtain counsel;

3. This case is of a type that attorneys in this district ordinarily do not accept without prepayment of a fee;

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