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

10 MARIO NAVARRO,

11 Plaintiff,

No. 2:09-cv-1878 KJM KJN P

12 vs.

13 DEBRA HERNDON, et al.,

14 Defendants.

ORDER


15 _____/
16 Plaintiff is a state prisoner, proceeding pro se, in an action brought under 42
17 U.S.C. § 1983. On December 7, 2012, the undersigned recommended that this action proceed on
18 plaintiff's denial of access claims against defendants Grannis and O'Brien (Dkt. No. 84), in
19 addition to the other claims previously identified by the undersigned and district judge (Dkt. Nos.
20 78, 79). Plaintiff now requests appointment of counsel.

21 Plaintiff's request for appointment of counsel is premature. This court is unable
22 to identify the cognizable claims in this action until the district judge has an opportunity to
23 review the undersigned's supplemental findings and recommendations. This factor is important
24 in assessing plaintiff's request for counsel, which includes an assessment of plaintiff's likelihood
25 of success on the merits of his claims, as well as plaintiff's ability to articulate his claims pro se
26 in light of the complexity of the legal issues involved. Palmer v. Valdez, 560 F.3d 965, 970 (9th

1 Cir. 2009). Plaintiff may renew his request after the district judge has ruled on the supplemental
2 findings and recommendations.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's January 22, 2013 motion
4 for appointment of counsel (Docket No. 85), is denied without prejudice.

5 DATED: January 30, 2013

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8 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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