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

JIMMIE STEPHEN,

Plaintiff,

No. 2:10-cv-1678 KJM KJN P

vs.

FEDERAL RECEIVER J.C. KELSO,
et al.,

Defendants.

ORDER

_____/

Plaintiff is a California state prisoner proceeding, without counsel and in forma pauperis, in this civil rights action filed pursuant to 42 U.S.C. § 1983. On May 31, 2012, plaintiff filed a motion for appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1). (Dkt. No. 59.) By order filed June 7, 2012, the court found that appointment of counsel was warranted and granted plaintiff’s motion. (Dkt. No. 61.)

Attorney Tanya Moore has been selected from the court’s pro bono attorney panel to represent plaintiff, and she has accepted the appointment. Pursuant to this order, Ms. Moore will be appointed to represent plaintiff.

Two additional matters are addressed herein. First, plaintiff’s pending “Order to Show Cause,” filed July 16, 2012 (Dkt. No. 65), is denied without prejudice to the filing of a

1 properly-framed motion by plaintiff's counsel which, if appropriate, addresses the matters anew.

2 Second, within thirty days after the filing date of this order, plaintiff's counsel is
3 directed to file and serve a status order in this action that provides the following: (1) the status of
4 service of process on defendant Wenneker;¹ (2) whether this action should proceed on plaintiff's
5 Third Amended Complaint, filed February 16, 2012 (Dkt. No. 54), or whether plaintiff seeks
6 leave to file a Fourth Amended Complaint;² (3) any appropriate motion for preliminary injunctive
7 or other relief responsive to the instant denial of plaintiff's "Order to Show Cause;" and (4) any
8 other matters that counsel deems appropriate.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Tanya Moore is appointed as counsel in the above-entitled matter.


11 2. Appointed counsel shall notify Sujean Park at (916) 930-4278, or via email at
12 spark@caed.uscourts.gov if she has any questions related to the appointment.

13 3. Plaintiff's counsel shall, within thirty (30) days after the filing date of this
14 order, file and serve a status report that includes the matters set forth above.

15 4. Plaintiff's motion for an "Order to Show Cause" (Dkt. No. 65) is denied
16 without prejudice.

17 5. The Clerk of the Court is directed to serve a copy of this order upon Tanya
18 Moore, Moore Law Firm, 332 North 2nd Street, San Jose, California 95112.

19 DATED: August 9, 2012

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21 
22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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25 ¹ Counsel may inquire with the U.S. Marshal's office regarding the status of attempted
26 service on defendant Wenneker, based on the information previously provided by plaintiff.

² The court, at present, has no opinion on this matter, but simply accords newly-
appointed counsel the option.