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

LACY MITCHELL,

Plaintiff,

No. 2:10-cv-01829 KJM DAD P

vs.

WILLIAMS, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On November 16, 2012, the defendants filed a motion for summary judgment. (Doc. No. 41.) Shortly thereafter, plaintiff filed a motion seeking both the appointment of counsel and a medical expert on his behalf. (Doc. No. 42.) The motion was denied by the undersigned on November 27, 2012. (Doc. No. 43.) Plaintiff subsequently filed a request for reconsideration of that order. (Doc. No. 44) On December 12, 2012, the assigned District Judge affirmed the November 27,2012 order. (Doc. No. 46.)

On December 19, 2012, plaintiff filed a document styled as an “Opposition & Reply Motion To The Defendants [sic] Summary Judgment [and] Emergency Request For The Appointment Of Counsel.” (Doc. No. 47.) Therein, plaintiff asserts that the defendants’ pending motion for summary judgment should be denied because the defendants were deliberately

1 indifferent to plaintiff's medical needs and because there are "many disputed facts" but that
2 plaintiff is "unable to respond point for point at this time due to no legal assistance by either a
3 (lawyer) [sic] or (inmate) [sic] to help him with his case." (Id. at 2.) Plaintiff also contends that
4 he suffers from rheumatoid arthritis which "prevents him from typing and writing his case" and
5 that counsel is needed because of his "medical disabilities." (Id.)¹ Plaintiff concludes his
6 submission by renewing his request for the appointment of counsel. (Id. at 2-3.)

7 The court will deny plaintiff's emergency request for the appointment of counsel
8 based on the court's November 27, 2012 order and the District Judge's order affirming the
9 November 27, 2012 order. However, in the interest of justice, the court will provide plaintiff
10 with a final opportunity to file written opposition in response to defendants' pending motion for
11 summary judgment. In light of the fact that plaintiff has had over six months to file his
12 opposition, the court will not entertain any extensions of time to file any supplemental opposition
13 he wishes to file. Defendants will also be provided time to file a supplemental reply² in the event
14 plaintiff elects to file a supplemental opposition addressing the merits of the pending motion for
15 summary judgment.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Plaintiff's December 19, 2012 motion for the appointment of counsel (Doc.
18 No. 47) is denied;

19 2. On or before July 8, 2012, plaintiff shall filed and serve any supplemental
20 opposition he wishes to submit in response to defendants' motion for summary judgment. No
21 extensions of time will be granted for this purpose in light of the lengthy period of time plaintiff
22 has already had to file his opposition.

23 _____
24 ¹ The undersigned notes that plaintiff's three-page type-written filing is coherent,
25 understandable and contains citations to pertinent legal authorities.

26 ² Defendants filed a reply to plaintiff's December 19, 2012 filing which, for the most part
merely noted the inadequacy of plaintiff's opposition. (Doc. No. 48.)

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3. Defendants' supplemental reply, if any, shall be filed within seven days after service of plaintiff's supplemental opposition.

DATED: June 3, 2013.

DAD:4
mit1829.36oppo



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE