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

CARL FOUNTAIN,

Plaintiff,

No. CIV S-10-2633 KJM DAD P

vs.

A. LEBRON, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested the appointment of counsel. For the reason set forth in the court’s October 6, 2010 order, the request for the appointment of counsel will be denied. In addition, circumstances common to most prisoners, such as lack of legal education and limited law library access, do not establish exceptional circumstances that would warrant a request for voluntary assistance of counsel.

In addition, on July 26, 2011, plaintiff filed a document styled, “Plaintiff’s Opposition To Defendant’s Answer; And Demand For Jury Trial.” Plaintiff is informed that Rule 7 of the Federal Rules of Civil Procedure allows the filing of an answer to a complaint, but does not authorize the filing of a reply to an answer unless so ordered by the court. The court did

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1 not issue an order requiring plaintiff to file a reply. Therefore, the document filed by plaintiff's
2 on July 26, 2011 will be stricken.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's July 26, 2011 motion for appointment of counsel (Doc. No. 28) is
5 denied; and

6 2. Plaintiff's document styled, "Plaintiff's Opposition To Defendant's Answer;
7 And Demand For Jury Trial" (Doc. No. 29), filed on July 26, 2011, is stricken.

8 DATED: August 1, 2011.

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11 _____
12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

11 DAD:4
12 foun2633.31b+