IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID REYES,

Plaintiff,

v.

CHRISTOPHER SMITH, et al.,

Defendant.

No. 2:12-cv-0652-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. Plaintiff's motion (Doc. 47) for reconsideration of the Magistrate Judge's September 13, 2017 order denying counsel is pending before the court.

Under Eastern District of California Local Rule 303(f), a Magistrate Judge's order shall be upheld unless "clearly erroneous or contrary to law." Upon review of the file, the court finds the magistrate judge's ruling was not clearly erroneous or contrary to law. This finding is without prejudice to the newly assigned magistrate judge's revisiting the question of appointment of counsel in connection with his review of the briefing on summary judgment.

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Accordingly, IT IS HEREBY ORDERED that:

1. The motion for reconsideration (Doc. 47) is denied; and

2. This case is referred back to the assigned magistrate judge for all further pretrial proceedings.

DATED: September 13, 2018.

UNITED STATES DISTRICT JUDGE