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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MILTON SYKES,
Plaintiff,
v.
ATHANNASIOUS, et al.,
Defendants.

No. 2:12-cv-2570 TLN KJN P

ORDER

Plaintiff is a state prisoner proceeding without counsel this civil rights action brought pursuant to 42 U.S.C. § 1983, on claims that defendants were deliberately indifferent to plaintiff's serious medical needs.

The court previously found that appointment of counsel was warranted to assist plaintiff in this action, for all purposes. (ECF No. 16.) Thereafter, the court appointed Mr. Isaac Fischer to represent plaintiff, for limited purposes due to counsel's limited availability. (ECF No. 28.) On April 7, 2014, the court accepted Mr. Fischer's request to withdraw his representation of plaintiff. (ECF No. 60).

Ms. Rebecca Ihejirika has now been selected from the court's pro bono attorney panel to represent plaintiff and she has accepted the appointment.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Ms. Rebecca Ihejirika is appointed as counsel for plaintiff in this action, for all
3 purposes absent further order of the court.

4 2. Ms. Ihejirika is requested to commence her representation of plaintiff by reviewing the
5 operative pleadings, meeting with Mr. Sykes and, within sixty (60) days after the filing date of
6 this order, file and serve a statement informing the court of the following:

7 a. Whether plaintiff intends to proceed on the operative complaint (ECF No. 1) or,
8 pursuant to his previously-stated or other concerns (ECF Nos. 44-6), and good cause shown,
9 counsel has determined that it would be in plaintiff's best interests to seek leave to file an
10 amended complaint;

11 b. If counsel intends to seek leave to file an amended complaint, she shall, in tandem with
12 filing and serving the above-noted statement, file and serve a motion for leave to file an amended
13 complaint which includes the proposed amended complaint.


14 c. In addition, counsel shall inform the court whether any discovery has been conducted
15 on plaintiff's behalf and, if applicable, what additional discovery is warranted, e.g., plaintiff's
16 previous request for the assistance of a medical expert was denied without prejudice, pending
17 appointment of counsel (see ECF No. 16).

18 3. The motion for summary judgment filed by defendant Khaira on February 5, 2014
19 (ECF No. 54), is denied without prejudice; defendant may re-file this motion, or file a new
20 motion for summary judgment, when so directed by the court.

21 4. Appointed counsel shall notify Ms. Sujean Park, at 916-930-4278, or via email at
22 spark@caed.uscourts.gov if she has questions related to the appointment.

23 5. The Clerk of the Court is directed to serve a copy of this order upon Rebecca Ihejirika,
24 Law Office of Rebecca E. Ihejirika, 1600 Sacramento Inn Way, Suite 109, Sacramento, CA
25 95815.

26 Dated: April 24, 2014

27 
28 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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