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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANNY R. GARCIA,
Plaintiff,
v.
C/O HEATH, et al.,
Defendants.

No. 2:13-cv-1952 JAM AC P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Currently pending is plaintiff’s fifth request for appointment of counsel. ECF No. 29. The court denies the instant request for the same reasons set forth in the court’s recent prior order that carefully considered plaintiff’s fourth request for appointment of counsel. See ECF No. 28. The court again concludes that plaintiff has not demonstrated exceptional circumstances warranting the appointment of counsel at this time. See ECF No. 28 (April 22, 2015 Order). See also Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (plaintiff bears burden of demonstrating exceptional circumstances).

However, the instant request is distinct from plaintiff’s prior requests insofar as plaintiff expresses confusion about how to proceed with ongoing discovery. Plaintiff states in pertinent part, ECF No. 29 at 2:

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1 Respondents counsel has requested interrogatories which seems like
2 part of the discovery and a request for production of documents,
3 again it seems that they are ordering me to produce the discovery or
4 suffer the consequences, but I have not been ordered by the judge to
do so, since I do not know how or when or if I should respond;
(complexity)[.]

5 Pursuant to this court's Discovery and Scheduling Order issued March 24, 2015, ECF No.
6 24, the parties are encouraged to participate and cooperate in the discovery process without the
7 necessity of further court order or intervention. By commencing this action, plaintiff is obligated
8 to timely respond to defendants' discovery requests. All requests for discovery should have been
9 made by May 11, 2015. See id. at 5 (discovery requests to be served no later than 60 days before
10 the July 10, 2015 discovery deadline). Discovery responses are to be provided within 45 days
11 after service of the requests. Id. at 4.

12 In the present case, plaintiff must serve defendants with his answers to their
13 interrogatories, and provide defendants with copies of the requested documents. The court will
14 authorize an extension of time within which plaintiff must serve his discovery responses, and will
15 modify the discovery and motion deadlines accordingly.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Plaintiff's motion for the appointment of counsel, ECF No. 29, is denied without
18 prejudice.

19 2. Plaintiff shall, no later than July 31, 2015, serve his responses to all of defendants'
20 outstanding discovery requests.

21 3. If plaintiff has discovery requests for defendants,¹ he shall serve such requests no later
22 than June 26, 2015.

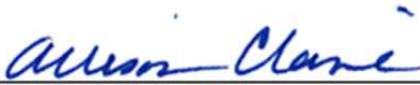
23 4. The discovery deadline in this action is extended from July 10, 2015 to August 28,
24 2015.

25 _____
26 ¹ Plaintiff's discovery requests may include the following: (1) requests for admission (yes-or-no
27 statements of fact) directed to each defendant, see Fed. R. Civ. P. 36; (2) up to twenty-five
28 interrogatories (questions) directed to each defendant, see Fed. R. Civ. P. 33; and (3) requests for
copies of documents, electronically stored information, or other tangible evidence directed to
each defendant, see Fed. R. Civ. P. 34.

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5. The dispositive motion deadline is extended from October 2, 2015 to November 20, 2015.

DATED: June 4, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE