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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JOSEPH LAVERY,

12 Plaintiff,

13 v.

14 B. DHILLON, et al.,

15 Defendants.
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No. 2:13-cv-2083 MCE AC P

ORDER APPOINTING COUNSEL FOR
LIMITED PURPOSE

17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil
18 rights action seeking relief under 42 U.S.C. § 1983. Currently before the court is plaintiff's
19 motion to appoint counsel as well as plaintiff's motion to compel the return of case-related legal
20 documents allegedly taken and/or destroyed by prison authorities. See ECF Nos. 169, 171. For
21 the reasons stated below, the court will grant plaintiff's motion to appoint counsel for the limited
22 purpose of conducting discovery. In addition, the court will deny plaintiff's motion to compel,
23 subject to its possible renewal after appointed counsel has had an opportunity to review plaintiff's
24 file.

25 On April 29, 2018, counsel for plaintiff filed a motion to withdraw as attorney. ECF No.
26 158. On June 6, 2018, the court held an ex parte hearing on the matter which was attended by
27 plaintiff via videoconference and by plaintiff's counsel. See ECF Nos. 162, 167. The hearing

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2 was filed under seal. ECF No. 167. That day, the court granted counsel's motion to withdraw as
3 counsel for plaintiff. ECF No. 168.

4 On June 11, 2018, plaintiff filed a motion to appoint counsel. ECF No. 169. Based upon
5 the statements of both plaintiff and plaintiff's counsel at the June 2018 hearing as well as upon
6 the content and nature of plaintiff's past filings in this action, the court will grant plaintiff's
7 motion for appointment of counsel for the limited purpose of conducting discovery. Rebecca A.
8 Weinstein-Hamilton has been selected from the court's pro bono attorney panel to represent
9 plaintiff, and she has agreed to be appointed for the limited purpose of completing discovery in
10 these proceedings.

11 Plaintiff's pending pro se motion to compel (ECF No. 171) will be denied in light of the
12 appointment of counsel. Once counsel has had the opportunity to review plaintiff's file, she may
13 renew the motion should she deem it necessary to do so.

14 Accordingly, IT IS HEREBY ORDERED that:

15 1. Plaintiff's motion to appoint counsel (ECF No. 169) is GRANTED for the limited
16 purpose of completing discovery in this matter;

17 2. Rebecca A. Weinstein-Hamilton is appointed as counsel in this action for the limited
18 purpose of completing discovery;

19 3. Rebecca A. Weinstein-Hamilton's appointment will terminate upon expiration of the
20 modified discovery deadlines which are to be determined by the parties. However, prior to the
21 termination of the appointment, counsel will be given the option to continue to represent plaintiff
22 beyond discovery proceedings. If counsel does not wish to do so, the court may consider the
23 appointment of new counsel for plaintiff;

24 4. Within thirty days of the date of issuance of this order, counsel for the parties are to:
25 (1) meet and confer in order to determine mutually agreed upon modified discovery deadlines,
26 and (2) file a joint statement with the court informing it of all agreed upon dates. In so doing,
27 counsel for plaintiff shall factor in the time it will take to receive and review plaintiff's file as
28 well as the time it will take to discuss it with plaintiff;

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2 5. Appointed counsel shall notify Sujean Park at (916) 930-4278, or via email at
3 spark@caed.uscourts.gov if she has any questions related to the appointment;

4 6. Plaintiff's June 2018 motion to compel (ECF No. 171) is DENIED, and

5 7. The Clerk of the Court is directed to serve a copy of this order on Rebecca A.
6 Weinstein-Hamilton, Law Office of Rebecca Weinstein-Hamilton, 4034 Prairie Falcon Dr., El
7 Dorado Hills, CA 95762.

8 DATED: July 12, 2018

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10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
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