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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL A. MENDOZA,  
Plaintiff,  
v.  
NEAL P. SWANN, D.D.S.,  
Defendant.

No. 2:13-cv-02366 AC P

ORDER APPOINTING COUNSEL

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. Plaintiff is incarcerated at Salinas Valley State Prison in Soledad, California. This action proceeds against sole defendant Neal P. Swann, D.D.S., on plaintiff’s Eighth Amendment claim that defendant was deliberately indifferent to plaintiff’s serious medical needs when plaintiff was previously incarcerated at Mule Creek State Prison. This action currently proceeds on plaintiff’s Second Amended Complaint, ECF No. 30, which defendant timely answered, ECF No. 34. The parties have consented to the jurisdiction of the undersigned magistrate judge for all purposes.

On April 1, 2015, plaintiff filed a motion which the court construed as a renewed motion for appointment of counsel. The court found that appointment was warranted and granted plaintiff’s motion. ECF No. 44. The deadlines for discovery and for filing dispositive motions were vacated pending further order of this court, and discovery was stayed. Id. at 4.

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Kenneth K. Lee has now been selected from the court's pro bono attorney panel to represent plaintiff and he has agreed to be appointed.

Accordingly, IT IS HEREBY ORDERED that:

1. Kenneth K. Lee is appointed as counsel in the above-entitled matter.
2. Appointed counsel shall notify Sujean Park at (916) 930-4278, or via email at [spark@caed.uscourts.gov](mailto:spark@caed.uscourts.gov) if he has any questions related to the appointment.
3. The Clerk of the Court is directed to serve a copy of this order upon Kenneth K. Lee, Jenner & Block LLP, 633 West 5th Street, Ste. 3600, Los Angeles, California 90071.
4. Within forty-five days after the filing date of this order, counsel for both parties shall file a joint statement that sets forth the following information:
  - a. Whether plaintiff intends to request leave to file a Third Amended Complaint.
  - b. The estimated length of time required by each party to conclude discovery.
  - c. Whether an early settlement conference could be mutually beneficial.
  - d. Any other matters that the parties believe is material at this time.

SO ORDERED.

DATED: April 20, 2015

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE