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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONNELL BOYCE,
Plaintiff,
v.
MICHAEL FOX, et al.,
Defendants.

No. 2:14-cv-1743 KJM KJN P

ORDER

On April 11, 2016, plaintiff filed a request to have Kellan Patterson continue as attorney of record for plaintiff. Upon review of plaintiff’s request for appointment of counsel and the documents on file and good cause appearing therefor, the court finds as follows:

Efforts to obtain legal representation without order of this court would be futile;

1. Plaintiff’s income is 125 percent or less of the current poverty threshold established by the Office of Management and Budget of the United States and is otherwise without resources to obtain counsel;

2. This case is of a type that attorneys in this district ordinarily do not accept without prepayment of a fee;

3. This case is not a fee generating case within the meaning of California Business and Professions Code § 8030.4(g); and

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1 4. This case has sufficient merit to warrant appointment pursuant to General Order No.
2 230.


3 Therefore, plaintiff's request for appointment of counsel is granted. On May 2, 2016,
4 defendants filed a motion to dismiss. Plaintiff is granted thirty days from the date of this order in
5 which to oppose the motion to dismiss.

6 Accordingly IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's request for appointment of counsel (ECF No. 36) is granted;
- 8 2. Kellan Steven Patterson is appointed as attorney for plaintiff pursuant to General Order
9 No. 230;
- 10 3. Counsel shall submit all deposition transcript costs for payment pursuant to
11 § 8030.6 of the California Business and Professions Code. All other contemplated costs shall be
12 handled as described in General Order No. 230;
- 13 4. Unless otherwise ordered, all motions shall be submitted on the record without oral
14 argument under Local Rule 230(1);
- 15 5. Counsel is directed to contact the Clerk's Office to make arrangements for receiving a
16 copy of defendants' motion to dismiss; and
- 17 6. Plaintiff is granted thirty days from the date of this order in which to file an opposition
18 to defendants' motion to dismiss.

19 Dated: May 6, 2016

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE