

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL ENRIQUE RAMIREZ,  
Plaintiff,  
v.  
GARY HAFFNER, et al.,  
Defendants.

No. 2:14-cv-2079 GEB KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se, in an action brought under 42 U.S.C. § 1983. Following resolution of the motion for summary judgment, this action proceeds on plaintiff's Eighth Amendment claims against defendants Fleming, Guerra and Wilson. On December 18, 2017, plaintiff filed a request for 60 day extension of time in which to file a pretrial statement, and filed a request for appointment of counsel, primarily to prepare plaintiff's pretrial statement, prepare the case for trial, including obtaining witnesses, and to try the case. However, this case is set for settlement conference on January 30, 2018. In light of that setting, the further scheduling order was vacated, and plaintiff was thus relieved of his obligation to file a pretrial statement at this time. Thus, plaintiff's request for an extension of time is denied as moot.

Similarly, if this action settled on January 30, 2018, appointment of counsel will not be necessary. Therefore, plaintiff's motion for appointment of counsel is denied without prejudice to its renewal following the January 30 settlement conference. Plaintiff is not required to re-file the

1 entire request, but may simply file a one page request to renew his prior motion for appointment  
2 counsel (ECF No. 93).

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motions (ECF Nos. 93, 95) are  
4 denied without prejudice.

5 Dated: January 10, 2018

6   
7 \_\_\_\_\_  
8 KENDALL J. NEWMAN  
9 UNITED STATES MAGISTRATE JUDGE

10 /rami2079.31.kjn  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28