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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL GARCIA,
Plaintiff,
v.
F. FOLKS, et al.,
Defendants.

No. 2:14-cv-2378 JAM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. On March 30, 2018, the court denied defendants’ motion for summary judgment on the issue of exhaustion and denied without prejudice defendants’ motion for summary judgment on the merits. (ECF Nos. 96, 104.) The next step in these proceedings will be an evidentiary hearing on the issue of exhaustion. The court has found that plaintiff requires the appointment of counsel for purposes of preparing for and conducting the evidentiary hearing on the issue of exhaustion because:

- a. Plaintiff’s income is below the current poverty threshold established by the Office of Management and Budget of the United States and he is otherwise without resources to obtain counsel;
- b. This case is of a type that attorneys in this district ordinarily do not accept without prepayment of a fee;

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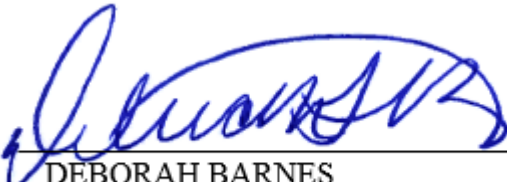
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c. This case is not a fee generating case within the meaning of California Business and Professions Code § 8030.4(e); and

d. This case has sufficient merit to warrant appointment for the purpose of representing plaintiff in preparing for and conducting an evidentiary hearing on the issue of exhaustion.

Therefore, IT IS HEREBY ORDERED that this case is referred to the court's Pro Bono Coordinator, Sujean Park, to locate counsel willing to represent plaintiff in this case for purposes of preparing for and conducting an evidentiary hearing on the issue of exhaustion.

Dated: April 2, 2018


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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DB/orders/prisoner-civil rights/garc2378.csl ref