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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW WALTERS,
Plaintiff,
v.
DAVID A. MASON, et al.,
Defendants.

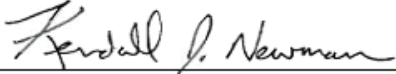
No. 2:15-cv-0824 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se, in an action brought under 42 U.S.C. § 1983. Plaintiff has filed two motions for appointment of counsel in this action. However, on April 28, 2015, the undersigned recommended that this action be dismissed because the complaint filed in the instant action contains virtually identical allegations to the complaint plaintiff filed in Case No. 2:15-cv-0822 KJM CMK, which is still pending. If plaintiff believes he is entitled to the appointment of counsel based on the allegations contained in such complaint, he must file a motion in the action plaintiff filed first: Walters v. Mason, et al., Case No. 2:15-cv-0822 KJM CMK. Plaintiff may not pursue the same allegations in two different cases at the same time.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motions for the appointment of counsel (ECF Nos. 3, 8) are denied without prejudice.

Dated: May 20, 2015


1 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE