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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. MITCHELL,
Plaintiff,
v.
SNOWDEN, et al.,
Defendants.

No. 2:15-cv-1167 TLN AC P

ORDER

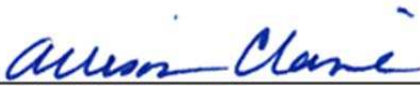
Plaintiff has filed a third motion for an indeterminate extension of time to file objections to the court’s findings and recommendations filed June 10, 2016. See ECF No. 34. In response to plaintiff’s initial similar request, the court construed plaintiff’s motion “as an objection to the recommendation that this action be dismissed with prejudice, and to any and all findings and fact and conclusions of law on which that recommendation is based,” thereby requiring the district judge to review *de novo* plaintiff’s previously made arguments on the merits of his claims. See ECF No. 31. Plaintiff’s instant request for extended time is therefore unnecessary and will be denied.

Plaintiff also requests appointment of counsel. Based on the court’s findings that this action is barred by the statute of limitations, the court construes no likelihood of success on the merits of plaintiff’s claims and therefore finds that plaintiff has failed to demonstrate the requisite “exceptional circumstances” that may support appointment of counsel. See Palmer v. Valdez,

1 560 F.3d 965, 970 (9th Cir. 2009). Therefore, plaintiff's request for appointment of counsel will
2 also be denied.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion filed September 27,
4 2016, which requests both extended time and appointment of counsel, ECF No. 34, is denied.

5 DATED: September 29, 2016

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ALLISON CLAIRE
8 UNITED STATES MAGISTRATE JUDGE
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