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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 LYNN HARMSTON,

12 Plaintiff,

13 v.

14 CALIFORNIA DEPARTMENT OF  
15 HEALTH CARE SERVICES,

16 Defendant.  
17

No. 2:15-cv-1925 GEB CKD PS

ORDER

18 Plaintiff has filed a motion to appoint counsel.<sup>1</sup> The motion to appoint counsel was not  
19 accompanied by a complaint nor was the filing fee paid. On the present state of the pleadings, the  
20 court cannot determine whether appointment of counsel is warranted. See Bradshaw v.  
21 Zoological Soc. of San Diego, 662 F.2d 1301, 1319 (9th Cir. 1981) (in exercising discretion as to  
22 whether to appoint counsel in Title VII case under 42 U.S.C. § 2000-5(f)(1)(B), court should  
23 consider plaintiff's financial resources, efforts made by plaintiff to secure counsel, and whether  
24 plaintiff's claims have merit). The request to appoint counsel will therefore be denied.

25 Plaintiff is advised that he may proceed in this matter without counsel. If plaintiff intends  
26 to proceed in this action, a complaint must be filed. In addition, plaintiff must either pay the

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28 <sup>1</sup> Plaintiff asserts that he has sought legal counsel from a variety of sources. Plaintiff is advised  
that there is a Community Legal Services program at McGeorge School of Law.

1 filing fee or file an application to proceed without prepayment of fees. See 28 U.S.C. §§ 1914(a),  
2 1915(a).

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Plaintiff's request for appointment of counsel is denied without prejudice.

5 2. If plaintiff intends to proceed in this action, a complaint must be filed no later than  
6 October 16, 2015. The complaint must comply with the requirements of the Federal Rules of  
7 Civil Procedure, and the Local Rules of Practice; failure to file a complaint in accordance with  
8 this order will result in a recommendation that this action be dismissed without prejudice.

9 3. If plaintiff intends to proceed in this action, plaintiff shall submit no later than October  
10 16, 2015, either a completed application and affidavit in support of a request to proceed in forma  
11 pauperis on the form provided by the Clerk of Court, or the appropriate filing fee; plaintiff's  
12 failure to comply with this order will result in a recommendation that this action be dismissed  
13 without prejudice.

14 Dated: September 15, 2015

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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