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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY FLORES,
Plaintiff,
v.
B. LEE, et al.,
Defendants.

No. 2:16-cv-2947 AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, alleging deliberate indifference to his serious medical needs. Plaintiff has consented to the jurisdiction of the undersigned Magistrate Judge for all purposes pursuant to 28 U.S.C. § 636(c), and Local Rule 305(a). See ECF No. 4.

Plaintiff has not filed an in forma pauperis affidavit or paid the required filing fee, which is required to commence this action. See 28 U.S.C. §§ 1914(a), 1915(a). By order filed December 29, 2016, plaintiff was informed that failure to submit an application to proceed in forma pauperis or the filing fee, within thirty days, would result in the dismissal of this action. See ECF No. 3. That deadline has passed. Plaintiff may have abandoned this action because he has obtained his requested medical care; if this is true, plaintiff should so inform the court. Meanwhile, due to the seriousness of plaintiff’s allegations, the court will accord him additional time – 21 days from the filing date of this order – to submit an in forma pauperis application or to

1 pay the filing fee. No further extensions of time will be granted.

2 Finally, on the form providing plaintiff's consent to the jurisdiction of the undersigned
3 magistrate judge, plaintiff requests appointment of counsel. See ECF No. 4. This is an
4 inappropriate method for requesting appointment of counsel. Should this action proceed, and
5 should plaintiff seek appointment of counsel, he must file a separate request. See Palmer v.
6 Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (appointment of counsel may be made only in
7 exceptional circumstances that include an evaluation of the plaintiff's ability to articulate his
8 claims pro se and his likelihood of success).

9 Accordingly, IT IS HEREBY ORDERED that:

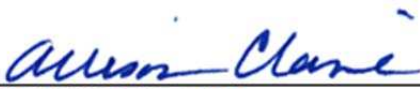
10 1. Plaintiff shall, within 21 days after the filing date of this order, submit: (1) an affidavit
11 in support of his request to proceed in forma pauperis on the form provided herewith by the Clerk
12 of Court, OR (2) the required fees in the amount of \$400.00.

13 2. Failure to timely comply with this order will result in the dismissal of this action
14 without prejudice.

15 3. Plaintiff's request for appointment of counsel, ECF No. 4, is denied without prejudice.

16 4. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
17 Forma Pauperis By a Prisoner.

18 DATED: February 8, 2017

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20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE
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