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28United States District Court
For the Northern District of CaliforniaIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARY B. MOORE,

Plaintiff,

v.

OFFICER S. ZEPPA, et al.,

Defendants

No. C-04-1749 MMC

**ORDER DENYING PLAINTIFF'S MOTION
FOR APPOINTMENT OF COUNSEL**

Before the Court is plaintiff Gary B. Moore's "Motion for a New Trial and Motion for Appointment of Counsel," filed April 13, 2010.

To the extent the motion seeks an order granting a new trial, the Court, by separate order filed concurrently herewith, has set a briefing schedule thereon, and, accordingly, does not consider the motion herein.

To the extent the motion seeks an order appointing counsel, the Court hereby DENIES the motion, for the reason plaintiff has failed to show "exceptional circumstances" exist to warrant the Court's conducting a search for volunteer counsel willing to accept an appointment for purposes of representing plaintiff on his motion for a new trial.¹ See Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009) (holding that although litigants have

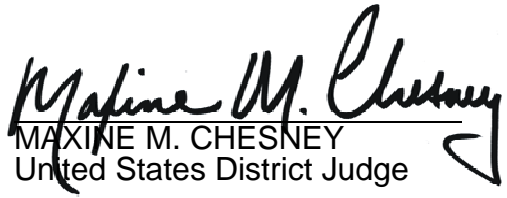
¹The only matter pending before the Court is plaintiff's motion for a new trial.

1 "no right to counsel in civil actions," district court "may under 'exceptional circumstances'
2 appoint counsel for indigent civil litigants").

3 **IT IS SO ORDERED.**

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Dated: April 22, 2010


MAXINE M. CHESNEY
United States District Judge