

1 of time to oppose the summary judgment motions.

2 There is no constitutional right to counsel in a civil case. *Lassiter v. Dep't of Social*
3 *Services*, 452 U.S. 18, 25 (1981). 28 U.S.C. § 1915 confers on a district court only the power
4 to "request" that counsel represent a litigant who is proceeding in forma pauperis. 28 U.S.C.
5 § 1915(e)(1). This does not give the courts the power to make "coercive appointments of
6 counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989). In short, the Court
7 has only the power to ask pro bono counsel to represent plaintiff, not the power to "appoint"
8 counsel. Plaintiff has effectively litigated this action for over eight years in the district and
9 appellate courts without assistance of counsel or medical experts. There are no unusual
10 circumstances about this case that warrant appointment of counsel or experts at this time.
11 Following ruling on the summary judgment motions, the need to appoint counsel and/or
12 medical experts will be reconsidered sua sponte.

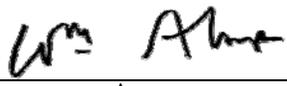
13 Plaintiff has requested an indefinite extension of time to oppose the motions. Plaintiff
14 has had an excessive amount of time to prepare his case and oppose the motions. The conduct
15 at issue occurred over ten years ago, he filed the case over eight years ago, the defendants
16 were served more than one year ago, and it has been more than five months since the
17 defendants initially filed their summary judgment motions, which are substantially duplicated
18 by their renewed motions. Additionally, plaintiff has already received at least six extensions
19 of time in this case, including an extension of several months to oppose the summary
20 judgment motions while certain defendants renewed their motions to correct a technical
21 deficiency. Plaintiff's present motion states that he is under "acute" psychiatric care, and
22 requests an indefinite extension until he is "fit." The motion is not accompanied by any
23 declaration or letter from his treating physician explaining his current condition, excusing his
24 ability to continue to litigate this case as he has done for the last eight years, or describing
25 how long his treatment has been going on or is expected to continue. Indeed, in his motion
26 plaintiff indicates that he has been able to read the defendants' motions. As a result, there is
27 no evidence to justify further extending a deadline that has already been amply extended in a
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1 case in which plaintiff has demonstrated sufficient capability to litigate his claims and has had
2 many years to prepare them. Accordingly, only a short and final extension of time will be
3 granted, to and including **January 22, 2013**, in which plaintiff may file his opposition to
4 defendants' motions. No further extension of time will be granted. Plaintiff may oppose the
5 summary judgment motions in separate oppositions or in a single, consolidated opposition.
6 Plaintiff should re-read the warning provided below. Defendants' reply briefs are due no later
7 than **14 days** after plaintiff's opposition is filed.

8 For the foregoing reasons, plaintiff's motion (dkt. 140) is **GRANTED IN PART**.

9 **IT IS SO ORDERED.**

10 Dated: January 3 , 2013.

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13 WILLIAM ALSUP
14 UNITED STATES DISTRICT JUDGE

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