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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX
MARKETING SALES PRACTICES AND
PRODUCT LIABILITY LITIGATION,

CASE NO. 05-1699 CRB

MDL No. 1699 CRB

**ORDER RE AUGUST 3, 2009
SUBMISSIONS**

_____/ *This document relates to:*

Edward Earl Thomas, 06-3674 CRB
_____ /

The Court is in receipt of two new letters from pro se plaintiff Edward E. Thomas both captioned “supplemental brief, appeal de no, emergency.” Plaintiff’s letters complain about mail fraud, mistreatment by prison guards, and threats from other inmates at the Saginaw County Jail in Michigan. The Court has repeatedly advised Plaintiff that he may challenge the conditions of his incarceration in an appropriate forum, but that such a challenge is beyond the scope of Plaintiff’s suit against Pfizer, Inc.

Plaintiff’s letters also ask the Court to appoint Plaintiff an attorney, which the Court has declined to do. There is no constitutional right to counsel in a civil case unless an indigent litigant may lose his physical liberty if he loses the litigation. See Lassiter v. Dep’t of Social Servs., 452 U.S. 18, 25 (1981); Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), reh’g en banc on other grounds, 154 F.3d 952 (9th Cir. 1998). Plaintiff has not demonstrated that he is at risk of losing his physical liberty.

Plaintiff’s letters also state that he “took Bextra and Celebrex over 200mg” and that he has “MRI/Echo-grams and reports.” At the hearing on July 24, 2009, the Court offered

1 Plaintiff additional time to supplement his proof of compliance with PTO 31 with such
2 material. Plaintiff refused the Court's offer. Accordingly, the Court has limited its review to
3 the materials Plaintiff submitted prior to the July 24, 2009 hearing.

4 To the extent Plaintiff has made a motion to this Court it is DENIED.

5 **IT IS SO ORDERED.**

6 Dated: August 3, 2009



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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE