

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

GREGORY C. STOCKMAN,

Plaintiff,

v.

EDWARD FOULK, Executive  
Director, Napa State Hospital,

Defendant.

No. C 09-3453 MMC (PR)

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL;  
DIRECTING CLERK TO SEND  
COPIES OF ORDER OF DISMISSAL  
AND JUDGMENT TO PLAINTIFF**

**(Docket No. 8)**

On July 27, 2009, plaintiff, an insanity acquittee incarcerated at Napa State Hospital and proceeding pro se, filed the above titled civil rights action pursuant to 42 U.S.C. § 1983. By order filed October 19, 2009, the Court dismissed the complaint for failure to state a claim upon which relief may be granted. As leave to amend the allegations in the complaint would be futile, a judgment of dismissal with prejudice was entered. (Order, filed Oct. 19, 2009, at 5:17-6:13.)

That same date, the Clerk mailed to plaintiff at Napa State Hospital a copy of the Court's order. On October 26, 2009, the order that had been sent to plaintiff was returned as undeliverable for the reason that plaintiff was on "Court Leave." (Docket No. 7.) On November 3, 2009, plaintiff, now back at Napa State Hospital and apparently unaware that his action has been dismissed, filed a motion for the appointment of counsel under the Northern District's Federal Pro Bono Project.

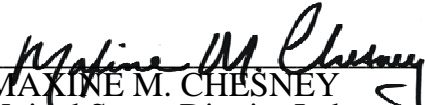
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

As the instant action has been dismissed with prejudice and is no longer pending, plaintiff's motion is hereby DENIED as moot. Further, as it appears that plaintiff may not have received a copy of the Court's order of dismissal and the Clerk's judgment, the Clerk shall re-send a copy of Docket Nos. 4 and 5 to plaintiff.

This order terminates Docket No. 8.

IT IS SO ORDERED.

DATED: November 23, 2009

  
MAXINE M. CHESNEY  
United States District Judge