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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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8 LAWRENCE CARLTON SMITH,
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No. C 13-3316 MEJ (pr)

10 Plaintiff,

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL;
DIRECTING CLERK TO REISSUE
NOTICE OF LAWSUIT TO
UNSERVED DEFENDANTS**

11 v.

12 L. STEPP, et al.,

(Docket No. 15)

13 Defendants.
14 _____/

15 Plaintiff Lawrence Carlton Smith filed a pro se civil rights action under 42 U.S.C.
16 § 1983. On August 6, 2013, the Court issued an Order of Partial Service, ordering service on
17 several Defendants employed at Salinas Valley State Prison (SVSP), including Officer J.
18 Garcia. The Court mailed a Notice of Lawsuit and Request for Waiver of Service of
19 Summons as well as the complaint on Defendants, including Officer J. Garcia. On August
20 19, 2013, the Litigation Coordinator at SVSP informed the Court that the documents could
21 not be served because the Clerk of Court did not list any names on the defendant line of the
22 Notice of Lawsuit and Request for Waiver of Service of Summons. The Litigation
23 Coordinator also informed the Court that he needed more information to identify Officer J.
24 Garcia because there are four individuals with that name at SVSP. (See Docket No. 12.)

25 The Court ordered plaintiff to provide additional location information to effect service
26 on Officer J. Garcia. Plaintiff has responded by providing a Rules Violation Report prepared
27 by Officer J. Garcia showing that on September 1, 2010, Officer J. Garcia's assignment at
28 SVSP was "D8 S&E #2." (See Docket No. 14 at 3.)

1 For the foregoing reasons,

2 The Clerk shall reissue a Notice of Lawsuit and Request for Waiver of Service of
3 Summons, two copies of the Waiver of Service of Summons, a copy of the complaint,
4 (Docket No. 1), all attachments thereto, a copy of the Order of Service, (Docket No. 8), and a
5 copy of this order on **Defendants Correctional Sergeant D. Battles and Correctional**
6 **Officers M. Mejia, J. Cermeno, M. Rodriguez, and J. Garcia at Salinas Valley State**
7 **Prison** (P.O. Box 1020, Soledad, CA 93960-1020).

8 Briefing shall proceed in accordance with the Court's Order of Service filed on
9 August 6, 2013. (Docket No. 8.)

10 Plaintiff's motion for appointment of counsel, (Docket No. 15), is DENIED without
11 prejudice for lack of exceptional circumstances. See Rand v. Rowland, 113 F.3d 1520, 1525
12 (9th Cir. 1997); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wilborn v.
13 Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986).

14 The Clerk shall send a courtesy copy of this order to the State Attorney General's
15 Office in San Francisco. Additionally, the Clerk of Court shall send a copy of this order to
16 plaintiff and to the SVSP Litigation Coordinator. The SVSP Litigation Coordinator is
17 requested to take note of the additional location information for J. Garcia provided above.

18 This order terminates Docket No. 15.

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20 IT IS SO ORDERED.

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22 DATED: September 19, 2013



23 Maria-Elena James
United States Magistrate Judge
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