

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RODNEY J. CONERLY,
Plaintiff,
v.
LAURIE SMITH, et al.,
Defendants.

Case No. 16-cv-03168-MEJ (PR)

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S REQUESTS
FOR ADDITIONAL TIME TO
CONDUCT DISCOVERY; DENYING
PLAINTIFF'S REQUEST FOR
APPOINTMENT OF COUNSEL**

Re: Dkt. Nos. 39, 40, 41

Plaintiff's requests for additional time to conduct discovery are DENIED without prejudice. As stated in the Court's January 6, 2017 order, if plaintiff determines that necessary facts to oppose summary judgment are not available to him due to lack of discovery, he may, along with his opposition, file a declaration pursuant to Federal Rule of Civil Procedure 56(d). Plaintiff opposition to defendants' motion for summary judgment is currently due on or before February 28, 2017. The Court sua sponte extends the deadline for plaintiff to file his opposition to **March 28, 2017**. Defendants shall file their reply within **fourteen (14)** days of the date the opposition is filed.

Plaintiff's renewed request for appointment of counsel under 28 U.S.C. § 1915 is DENIED for lack of exceptional circumstances. See *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). The Court will consider appointment

1 of counsel on its own motion, and seek volunteer counsel to agree to represent plaintiff pro bono,
2 if it determines at a later time in the proceedings that appointment of counsel is warranted.

3 This order terminates Docket Nos. 39, 40, and 41.

4 **IT IS SO ORDERED.**

5 Dated: February 15, 2017



MARIA-ELENA JAMES
United States Magistrate Judge

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