

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

ALFRED MARTIN,
Plaintiff,
v.
ANTHONY HEDGPETH, et al.,
Defendants.

No. C 12-03771 YGR (PR)

**ORDER DENYING PLAINTIFF'S
MOTION FOR A CONTINUANCE OF
PROCEEDINGS AND DENYING HIS
SECOND MOTION FOR
APPOINTMENT OF COUNSEL**

Before the Court is Plaintiff's motion for a continuance of proceedings and his second motion for appointment of counsel to represent him in this action.


First, Plaintiff requests a continuance of proceedings because he claims he is unable to "fully present an argument at this moment, due to the fact [that] he has suffered a 'back injury' here at the prison." (Pl.'s Mot. at 1.) Because Plaintiff has labeled the present motion as his "Opposition to Defendants['] Motion to Dismiss and Motion for Continuance and for the Appointment of Counsel to Assist Plaintiff," the Court construes Plaintiff's request as a motion for an extension of time to file an opposition to the motion to dismiss filed by Defendants on July 9, 2013. Because the Court -- in its Order dated July 24, 2013 -- denied Defendants' July 9, 2013 motion to dismiss (Docket No. 40), the Court DENIES Plaintiff's motion for an extension of time as moot.

Second, Plaintiff requests the Court to "appoint counsel to further represent [him] in any . . . future proceedings in this cause and action." (Pl.'s Mot. at 3.) The Court previously denied Plaintiff's first request for appointment of counsel. (Docket No. 32.) For the same reasons, Plaintiff's second request for the appointment of counsel is DENIED.

The parties shall abide by the briefing schedule provided in the Court's July 24, 2013 Order. This Order terminates Docket no. 41.

IT IS SO ORDERED.

DATED: August 12, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
For the Northern District of California