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

KYLE WHELAN AVERY,)	No. C 03-4233 RMW (PR)
)	
Plaintiff,)	ORDER REFERRING PLAINTIFF TO
)	FEDERAL PRO BONO PROJECT AND
vs.)	STAYING PROCEEDINGS PENDING
)	APPOINTMENT OF COUNSEL
OFFICER THOMPSON,)	
)	
Defendant.)	(Docket Nos. 101, 102, 104)
)	

Plaintiff, a state prisoner, filed a pro se prisoner complaint under 42 U.S.C. § 1983, arguing that defendant unlawfully deprived him of property and violated his First Amendment rights to freedom of speech and religion. On October 5, 2010, the court granted in part, and denied defendants’ motion for summary judgment. The court directed the parties to a renewed motion for summary judgment on the remaining First Amendment claims. After briefing, on June 24, 2011, the court denied both parties’ motions for summary judgment. The case was then referred to Magistrate Judge Nandor Vadas for mediation. On October 26, 2011, Magistrate Judge Vadas reported that the case did not settle.

Plaintiff has moved for appointment of counsel. It appears that the case will be tried. The court concludes that counsel should be appointed, and grants plaintiff’s motion. This matter is referred to the Federal Pro Bono Project to find counsel.

The clerk shall forward to the Federal Pro Bono Project: (i) a copy of this order, (ii) a copy of the docket sheet, and (iii) a copy of the operative complaint and relevant court orders.