

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

**\*E-FILED - 12/9/09\***

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

GENE DANIELS,	)	No. C 08-3780 RMW (PR)
	)	
Plaintiff,	)	ORDER GRANTING
	)	PLAINTIFF’S REQUEST FOR
v.	)	AN EXTENSION OF TIME;
	)	DENYING APPOINTMENT OF
WARDEN EVANS, et al.,	)	COUNSEL
	)	
Defendants.	)	(Docket No. 57)
_____	)	

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff alleges that he has been on lockdown for the better part of three months and has had difficulty accessing the law library to prepare his opposition to defendants’ motion for summary judgment. Good cause appearing, plaintiff’s second request for an extension of time to file a an opposition to defendants’ motion is GRANTED. However, because plaintiff has now had more than four months to prepare an opposition, any further requests for an extension of time are not favored.

Plaintiff shall file an opposition to defendants’ motion for summary judgment no later than **thirty (30) days** from the filing date of this order. Defendants **shall** file a reply brief within **15 days** of the date any opposition is filed by plaintiff.

Plaintiff’s motion for appointment of counsel is DENIED for want of exceptional circumstances. See Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997); see also Lassiter v.

1 Dep't of Social Services, 452 U.S. 18, 25 (1981) (there is no constitutional right to counsel in a  
2 civil case). The court denied plaintiff's first request for appointment of counsel on November  
3 20, 2008, noting that the issues in this case were not particularly complex and plaintiff had thus  
4 far been able to adequately present his claims. Since then, plaintiff filed an amended complaint  
5 which included additional facts in support of his claim as well as additional defendants. It  
6 appears plaintiff is still able to adequately present his case. Accordingly, this denial is again  
7 without prejudice to the court's sua sponte appointment of counsel at a future date should the  
8 circumstances of this case warrant such appointment.

9 This order terminates docket no. 57.

10 IT IS SO ORDERED.

11 DATED: 12/8/09



12 RONALD M. WHYTE  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28