

United States District Court  
For the Northern District of California

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NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL LOUIS OVERTON,

No. C 08-04272 JF (PR)

Plaintiff,

ORDER GRANTING REQUEST FOR  
EXTENSION OF TIME TO FILE  
COMPLAINT; DENYING MOTION  
FOR APPOINTMENT OF COUNSEL

v.

CALIFORNIA MEDICAL FACILITY  
WARDEN,

Defendant.

(Docket Nos. 2 & 4)

On September 10, 2008, Plaintiff filed a motion for appointment of counsel without filing a complaint or petition. The Clerk of the Court notified Plaintiff that failure to submit a complaint or petition within thirty days from the filing date of the notice would result in the dismissal of the action. Plaintiff filed a request for an extension of time to file a complaint. (Docket No. 4.) Good cause appearing, Plaintiff's request is GRANTED. Plaintiff's complaint and application to proceed in forma pauperis must be filed **no later than November 24, 2008.**

Plaintiff's motion for appointment of counsel (Docket No. 2) is denied without prejudice for lack of exceptional circumstances. See Rand v. Rowland, 113 F.3d 1520, 1525

1 (9th Cir. 1997); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wilborn v.  
2 Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). The Court will reconsider Plaintiff's  
3 request sua sponte if a trial becomes necessary or if the circumstances of this case otherwise  
4 change so as to necessitate such appointment.

5 This order terminates Docket Nos. 2 and 4.

6 IT IS SO ORDERED.

7 DATED: 10/21/08

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9 JEREMY FOGEL  
10 United States District Judge

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