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E-FILED - 1/27/11

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

ROY A. MONTES,)	No. C 09-0976 RMW (PR)
)	
Plaintiff,)	ORDER REFERRING CASE TO
)	FEDERAL PRISONER PRO BONO
vs.)	PROJECT
)	
CORRECTIONAL OFFICER)	
RAFALOWSKI, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action. Plaintiff claimed that defendants violated his right to due process and also used excessive force, in violation of the Eighth Amendment. On August 2, 2010, the court granted in part and denied in part defendants' motion for summary judgment, and referred the instant case to the court's Pro Se Prisoner Settlement Program. On November 30, 2010, Judge Vadas reported that the case did not settle. As neither dispositive motions nor settlement proceedings have fully resolved the claims in this case, this matter is ready for trial.

Because this matter is ready for trial, plaintiff is incarcerated, and plaintiff needs the assistance of counsel, the court shall appoint counsel for plaintiff. The court further orders that:

a. plaintiff is hereby referred to the Federal Prisoner Pro Bono Project for location of counsel;

1 b. upon an attorney being located to represent plaintiff, that attorney shall be
2 appointed as counsel for plaintiff in this matter until further order of the court; and

3 c. all proceedings in this action are stayed until four weeks from the date an
4 attorney is appointed to represent plaintiff in this action. Once an attorney is appointed, the
5 court will schedule a status conference to set pretrial and trial dates.

6 IT IS SO ORDERED.

7 DATED: 1/25/11


RONALD M. WHYTE
United States District Judge

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