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\*E-FILED - 1/28/11\*

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

KENNETH ADRIAN FULLER,

Plaintiff,

v.

RICHARD A. ORTIZ, et al.,

Defendants.

No. C 10-2546 RMW (PR)

ORDER DENYING PLAINTIFF'S MOTION  
FOR APPOINTMENT OF COUNSEL;  
ORDER DENYING BIFURCATED  
MOTION TO COMPEL; ORDER  
GRANTING DEFENDANTS' MOTION  
FOR EXTENSION OF TIME

\_\_\_\_\_/ (Docket Nos. 37, 42 & 43)

Plaintiff, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against prison officials. Before the court are plaintiff's motion for counsel and, bifurcated motion to compel along with defendants' motion for extension of time to file their dispositive motion.

Plaintiff's motion for appointment of counsel (docket no. 43) is DENIED for want of exceptional circumstances. See Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997); see also Lassiter v. Dep't of Social Services, 452 U.S. 18, 25 (1981) (there is no constitutional right to counsel in a civil case). The issues in this case are not particularly complex and plaintiff has thus far been able to adequately present his claims. This denial is without prejudice to the court's sua sponte appointment of counsel at a future date should the circumstances of this case warrant such appointment.

Plaintiff's bifurcated motion to compel (docket. no. 37) is DENIED as premature.

1 Defendants' motion for extension of time to file their dispositive motion (docket no. 42) is  
2 GRANTED. Defendants shall file their dispositive motion by **January 31, 2011**. Plaintiff's  
3 opposition to the dispositive motion shall be due no later than **thirty (30) days** from the date  
4 defendants file their dispositive motion. If defendants wish to file a reply brief, they shall do so no  
5 later than **fifteen (15) days** after the date plaintiff's opposition is filed.

6 This order terminates docket nos. 37, 42 & 43.

7 IT IS SO ORDERED.

8 Dated: 1/25/11

  
RONALD M. WHYTE  
United States District Judge