IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LAMOS WAYNE STURGIS, Plaintiff, v. CHIEF DEPUTY SHERIFF WARREN E. RUPF, et al., Defendants.	No. C 10-3680 LHK (PR) ORDER GRANTING PLAINTIFF'S REQUEST FOR EXTENSION OF TIME TO FILE OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; DENYING APPOINTMENT OF COUNSEL

Plaintiff, a state prisoner proceeding *pro se*, filed an amended complaint under 42 U.S.C. § 1983. Before the Court are Plaintiff's second request for extension of time to file his opposition to Defendants' motion for summary judgment, and his fifth request for appointment of counsel.

Because it appears no party would be prejudiced by an extension, Plaintiff's request is GRANTED. Plaintiff shall file his opposition **thirty (30) days** from the date this order is filed. Defendants shall file a reply no later than **fifteen (15) days** thereafter.

Plaintiff's fifth request 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. 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.

This order terminates docket no. 41.

IT IS SO ORDERED.

DATED: 8/29/11

LUCY H. KOH
United States District Judge