

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASON SMITH,
Plaintiff,

v.

J. MENDOZA, et al.,
Defendants.

Case No. 19-03750 BLF (PR)

**ORDER REFERRING MATTER TO
FEDERAL PRO SE PROGRAM TO
LOCATE COUNSEL; STAYING
MATTER; TERMINATING
PENDING MOTIONS**

(Docket Nos. 70, 73)

Plaintiff, a California prisoner proceeding pro se, filed the instant civil rights action pursuant to 42 U.S.C. § 1983 against officers at the Correctional Training Facility (“CTF”), where he is currently housed. Dkt. No. 1. Finding the complaint stated cognizable claims, the Court ordered service upon Defendants at CTF. Dkt. No. 3. The Court granted in part and denied in part Defendants’ first summary judgment motion, such that only the following claims remained: First Amendment claim against Defendant Perez-Pantoja, and the First and Eighth Amendment claims against Defendant Zavala. Dkt. No. 45. Defendant Zavala was permitted to file a separate summary judgment. *Id.* After duly considering the submitted briefs on the matter, the Court denied Defendant Zavala’s summary judgment motion, and referred the matter for settlement proceedings on the remaining claims against Defendants Perez-Pantoja and Zavala. Dkt. No. 68. On April

1 13, 2022, Magistrate Judge Robert M. Illman docketed a minute entry stating that the
2 parties were unable to reach an agreement. Dkt. No. 72. Therefore, it appears that this
3 matter will proceed to trial.

4 This matter is referred to Haohao Song of the Federal Pro Se Program to find
5 counsel if possible. Upon an attorney being located to represent Plaintiff, that attorney
6 shall be appointed as counsel for Plaintiff in this matter until further order of the Court.

7 The Clerk shall forward to the Federal Pro Se Program: (1) a copy of this order, (2)
8 a copy of the docket sheet, and (3) a copy of the operative complaint and relevant court
9 orders. Dkt. Nos. 1, 3, 45, 68.

10 In light of this order, Plaintiff's motion for appointment of counsel is DENIED as
11 moot. Dkt. No. 73.

12 The Clerk shall terminate Docket Nos. 70¹ and 73.

13 All proceedings in this action are STAYED until further notice.

14 **IT IS SO ORDERED.**

15 **Dated: __May 9, 2022__**


BETH LABSON FREEMAN
United States District Judge

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Order Referring Matter to FPSP
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¹ The motion filed under Docket No. 70 should be terminated pursuant to Judge Illman's order under Docket No. 71.

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