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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TONY ROBERTS,

Plaintiff,

vs.

S. HENSLEY, et al.,

Defendants.

CASE NO. 15cv1871-LAB (BLM)

ORDER DENYING STAY

Pro se prisoner Tony Roberts asks the Court to extend the five-month stay in this case for another five months. The Court must “balance the length of any stay against the strength of the justification given for it.” *Yong v. I.N.S.*, 208 F.3d 1116, 1119 (9th Cir. 2000). Roberts asks for another stay to allow “his medical condition to stabilize” while he undergoes outpatient treatment for mental health issues. But Roberts admits that he’s battled with these psychiatric issues for the last 17 years—the Court can’t grant a stay every time Roberts’ psychiatric problems flare up. Roberts has had two years to litigate his case. And the Court already stayed the case to allow Roberts to recover from his March hospitalization. The motion to stay the action is denied. *See Clinton v. Jones*, 520 U.S. 681, 706 (1997) (“District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”).

The Court also denies Roberts’ request to appoint counsel. The Constitution only provides a right to counsel in a civil case when loss of liberty is at stake. *Lassiter v. Dep’t of*

1 Soc. Servs., 452 U.S. 18, 25 (1981). That's not the case here. And Roberts failed to show
2 exceptional circumstances exist that would warrant appointment of counsel. He's managed
3 to file motions and pursue his case for the past two years. While the Court recognizes he's
4 not in ideal shape to litigate a lawsuit, he chose to bring this action. And he's worked
5 effectively with Tommy Boyden to file intelligent briefing on his last two requests for a stay.
6 The motion to appoint counsel is denied. See *Meeks v. Nunez*, 2017 WL 476425, at *4 (S.D.
7 Cal. Feb. 6, 2017).

8 **IT IS SO ORDERED.**

9 Dated: July 25, 2017

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11 HONORABLE LARRY ALAN BURNS
12 United States District Judge
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