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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 RAUL ARRELLANO,

12 Plaintiff,

13 v.

14 BLAHNIK,

15 Defendant.
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Case No.: 16cv2412-CAB-DHB

**ORDER DENYING OBJECTION TO
MAGISTRATE JUDGE ORDER
[Doc. No. 91]**

18 On September 25, 2018, Magistrate Judge Robert N. Block issue an order denying
19 Plaintiff's motion for reconsideration, motion to appoint counsel, and motion to allow
20 appeal. [Doc. No. 87.] On October 16, 2018, Plaintiff filed an objection to that order.
21 [Doc. No. 91.]

22 Magistrate judges' rulings on nondispositive motions may be set aside or modified
23 by the district court only if found to be "clearly erroneous" or "contrary to law." 28
24 U.S.C. §636(b)(1)(A); Fed.R.Civ.P. 72(a); *Bhan v. NME Hospitals, Inc.*, 929 F.2d 1404,
25 1414 (9th Cir. 1991).

26 Plaintiff has not made any showing that Judge Block's order denying the motion
27 for counsel was "clearly erroneous" or "contrary to law." *Id.* As noted by Judge Block,
28 the decision to appoint counsel is discretionary and may only be granted on a showing of

1 “exceptional circumstances. *Terrell v. Brewer*, 95 F.2 1015, 1017 (9th Cir. 1991). The
2 fact that Plaintiff may find it difficult to obtain discovery due to his status as an inmate is
3 not an exceptional circumstance. And, in addition to the reasons stated by Judge Block,
4 Plaintiff’s health issues do not appear to hinder his ability to litigate, as he has recently
5 filed numerous motions in this case, as well as in the other six cases he currently has
6 pending in the United States District Court for the Southern District of California. *See*
7 *Arellano v. Hodge*, 14cv590-JLS-JLB; *Arellano v. Dean*, 15cv2247-JLS-JLB; *Arellano v.*
8 *Sedighi*, 15cv2059-AJB-BGS; *Arellano v. Milton*, 15cv2069-JAH-AGS; *Arellano v. Self*,
9 15cv2300-AJB-JMA; *Arellano v. San Diego County*, 14cv2404-JLS-KSC. Therefore,
10 Judge Block’s decision to deny the motion for counsel was reasonable.

11 Plaintiff’s objection to Judge Block’s ruling denying Plaintiff’s request for an
12 immediate appeal is also **OVERRULED**. The denial of a motion for appointment of
13 counsel does not qualify as an appealable interlocutory order under 28 U.S.C. §1292(b).

14 For these reasons, Plaintiff’s Objection to Magistrate Judge Order [Doc. No. 91] is
15 **DENIED**.

16 **IT IS SO ORDERED.**

17 Dated: October 19, 2018



Hon. Cathy Ann Bencivengo
United States District Judge