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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
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10 CHARLES HOLMES,

11 Plaintiff,

12 vs.

13 ESTOCK, et al.,

14 Defendants.

Case No.: 16-cv-2458-MMA (BLM)

**ORDER APPOINTING PRO BONO
COUNSEL PURSUANT TO 28 U.S.C.
§ 1915(e)(1) AND S.D. Cal. Gen. Order
596**

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16 Plaintiff Charles Holmes, a prisoner currently incarcerated at Kern Valley State
17 Prison (“KVSP”) in Delano, California, is proceeding pro se and in forma pauperis in this
18 civil action pursuant to 42 U.S.C. § 1983.

19 Plaintiff suffers from a congenital kidney defect and his Eighth Amendment
20 inadequate medical care claims against Defendants Estock, Currier, Diaz, Montgomery,
21 and Nasir have survived summary judgment. *See* Doc. No. 145. Plaintiff was previously
22 represented by retained counsel, but his attorney has since been granted leave to
23 withdraw. *See* Doc. No. 166. Because the case must proceed to trial on the merits, on
24 May 20, 2022, the Court sua sponte reconsidered Plaintiff’s original motion to appoint
25 counsel pursuant to 28 U.S.C. § 1915(e)(1) and referred his case to its Pro Bono Panel for
26 potential representation pursuant to S.D. Cal. General Order 596. *See* Doc. No. 168. The
27 Court’s “Plan for the Representation of *Pro se* Litigants in Civil Cases” as adopted by
28 G.O. 596 provides that “the Court may appoint counsel for purposes of trial as a matter of

1 course in each prisoner civil rights case where summary judgment has been denied.”
2 S.D. Cal. Gen. Order 596.

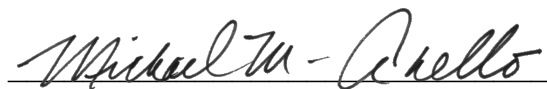
3 Accordingly, the Court hereby **APPOINTS** Michael Huggins, Esq., SBN 305562,
4 Kirsten Jackson, SBN 265952, and Jake Ryan, SBN 211899, all of Latham & Watkins
5 LLP, 12670 High Bluff Drive, San Diego, California, 92130, all of whom have
6 graciously accepted the Court’s request, as Pro Bono Counsel for Plaintiff.

7 Pursuant to S.D. Cal. CivLR 83.3.f.2, Pro Bono Counsel is directed to file, within
8 **fourteen (14) days** of this Order if possible in light of the constraints inherent in
9 Plaintiff’s incarceration at KVSP, a formal written Notice of Substitution of Attorney
10 signed by both Plaintiff and his newly appointed counsel.¹ This substitution will be
11 approved by the Court upon submission, and Pro Bono Counsel will thereafter be
12 considered attorney of record for Plaintiff for all purposes *during further proceedings*
13 *before this Court, in this matter only, and at the Court’s specific request. See* S.D. Cal.
14 CivLR 83.3.f.1, 2. The Court further **DIRECTS** the parties to jointly contact the
15 assigned Magistrate Judge within **twenty-one (21) days** of the Notice of Substitution for
16 the purpose of scheduling a settlement conference at Judge Major’s convenience.

17 The Court **DIRECTS** the Clerk of the Court to serve Mr. Huggins, Ms. Jackson,
18 and Mr. Ryan with a copy of this Order via U.S. Mail at the address listed above and by
19 email at michael.huggins@lw.com, kirsten.jackson@lw.com, and jake.ryan@lw.com
20 upon filing. *See* S.D. Cal. CivLR 83.3.f.2.

21 **IT IS SO ORDERED.**

22 Dated: June 3, 2022

23 

24 HON. MICHAEL M. ANELLO
25 United States District Judge

26 _____
27 ¹ Should any other attorneys affiliated with Latham & Watkins, LLP wish to enter an appearance on
28 Plaintiff’s behalf, they need only be admitted to practice in the Southern District of California, and
identified in the Notice of Substitution filed by Mr. Huggins.