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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 RUDOLF SHTEYNBERG,

12 Plaintiff,

13 v.

14 SAN DIEGO COUNTY JAIL
15 SHERIFF'S DEPARTMENT MEDICAL
16 TEAM,

17 Defendants.
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Case No.: 17-CV-1098 JLS (KSC)

**ORDER DENYING MOTION TO
APPOINT COUNSEL AND MOTION
TO FILE UNDER SEAL**

(ECF Nos. 45, 47)

19 Presently before the Court is Plaintiff Rudolf Shteynberg's Motion to Appoint
20 Counsel, (ECF No. 45), and Motion to File Documents Under Seal, (ECF No. 47). On
21 May 30, 2017, Plaintiff filed a Complaint. (ECF No. 1.) On The Court granted Plaintiff
22 leave to proceed *in forma pauperis* ("IFP"). (ECF No. 6.) In the same Order, the Court
23 dismissed Plaintiff's Complaint as insufficient under the mandatory screening
24 requirements of 28 U.S.C. §§ 1915(e)(2) & 1915A(b). (ECF No. 6, at 4.) The Court
25 instructed Plaintiff to file an amended complaint that addressed the shortcomings in his
26 Complaint within thirty (30) days. Plaintiff has not filed an amended complaint. Instead,
27 Plaintiff has filed various motions, including several requests to appoint counsel. The
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1 Court has repeatedly denied these requests for counsel because Plaintiff has not filed an
2 amended complaint.

3 Plaintiff states that he needs counsel because his income does not allow him to hire
4 an attorney. (ECF No. 45, at 4.) The Court has repeatedly explained that there is no right
5 to counsel in civil cases. A court may appoint counsel only in exceptional circumstances.
6 *See, e.g., Burns v. Cnty. of King*, 883 F.2d 819, 824 (9th Cir. 1989) (noting that appointment
7 of counsel in civil matters is restricted to “exceptional circumstances” which means “the
8 litigant must demonstrate the likelihood of success and the complexity of legal issues
9 involved”). Plaintiff still has not filed an amended complaint or any explanation as to why
10 his case is exceptional.

11 The Court **DENIES WITHOUT PREJUDICE** Plaintiff’s Motion to Appoint
12 Counsel, (ECF No. 44). The Court again instructs Plaintiff to file an amended complaint
13 that meets Federal Rule of Civil Procedure 8 and explains who did what, when Defendants
14 did, and why Plaintiff believes those actions require legal relief.

15 Plaintiff also moves to file a document under seal. This document appears to be a
16 request for Plaintiff to discuss any questions this Court may have about Plaintiff’s case.
17 (ECF No. 48.) There is a strong presumption in favor of access to court records. *Foltz v.*
18 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003) (citing, e.g., *Hagestad*
19 *v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995) (recognizing strong presumption in
20 context of civil trial)). Plaintiff has provided no justification for why needs to file
21 documents under seal. More importantly, Plaintiff has not filed an amended complaint.
22 The Court **DENIES** Plaintiff’s Motion to File Under Seal, (ECF No. 47). The Court also
23 clarifies that there are no hearings scheduled for Plaintiff because he does not have an
24 operative complaint in front of this Court.

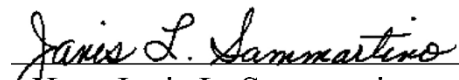
25 Finally, Plaintiff filed a document with the Court notifying the Court that Plaintiff
26 attempted to get access the Sheriff’s Department records and was denied because the
27 Department required a court order. (ECF No. 50.) The remainder of the document is
28 illegible and does not appear to request any relief from this Court. This Court has not

1 issued an order allowing Plaintiff access to any records. This is because Plaintiff has not
2 complied with Court orders to file an amended complaint, nor has Plaintiff proceeded
3 beyond the initial IFP screening stage.

4 The Court has repeatedly admonished Plaintiff to file an amended complaint or else
5 his case would be dismissed with prejudice. The motions Plaintiff has filed over the past
6 year do not constitute an amended complaint. Plaintiff does not have an amended
7 complaint before this Court and again the Court instructs Plaintiff to file an amended
8 complaint describing in detail what Defendant San Diego County Jail did to him. Plaintiff
9 **MAY FILE** an amended complaint within thirty (30) days from that date on which this
10 Order is electronically docketed. *Failure to file an amended complaint may result in this*
11 *case being dismissed for failure to prosecute.*

12 **IT IS SO ORDERED.**

13 Dated: April 2, 2018

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15 Hon. Janis L. Sammartino
16 United States District Judge
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