

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

AMANDA LEA SEXTON,
Plaintiff,
v.
CLARK COUNTY DETENTION CENTER et
al.,
Defendants.

Case No. 2:16-cv-02289-RFB-VCF

ORDER

I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Clark County Detention Center (“CCDC”), is awaiting the screening of her third amended complaint (ECF No. 8). In the meantime, Plaintiff has filed multiple miscellaneous motions that the Court will address now.

A. Filing Fee Motions

Plaintiff has filed a motion to strike her application to proceed *in forma pauperis* because she has paid the \$350 filing fee. (ECF No. 9 at 1). On November 18, 2016, the Court granted Plaintiff’s application to proceed *in forma pauperis* and directed her to pay the \$350 filing fee when she had the funds. (See ECF No. 5 at 17). Plaintiff has fulfilled the payment obligation. The Court denies the motion to strike.

///

///

1 The Court also denies Plaintiff's motion to direct the Clerk of the Court to file her
2 amended complaint. (ECF No. 10). The Court will direct the Clerk of the Court to file the
3 amended complaint when procedurally applicable to do so.

4 **B. Service Motions**

5 Plaintiff has filed two motions related to service (ECF No. 12, 19). The Court
6 denies these motions without prejudice as procedurally premature. The Court will order
7 service when procedurally applicable.

8 **C. Inmate-to-Inmate Correspondence Motions**

9 Plaintiff has filed seven motions related to seeking an order directing CCDC
10 personnel to permit her to correspond with another inmate, Toney White, while in custody.
11 (See ECF No. 11, 13, 14, 17, 18, 21, 22). Court denies these motions without prejudice
12 at this time. Given the volume of motions being filed, the Court will set a status conference
13 in this case to set an orderly schedule for the filing of motions and to set parameters on
14 what motion can be appropriately filed.

15 **D. Motions for Appointment of Counsel**

16 Plaintiff has filed two motions for appointment of counsel. (ECF No. 20, 23). A
17 litigant does not have a constitutional right to appointed counsel in 42 U.S.C. § 1983 civil
18 rights claims. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). Pursuant to 28
19 U.S.C. § 1915(e)(1), "[t]he court may request an attorney to represent any person unable
20 to afford counsel." However, the court will appoint counsel for indigent civil litigants only
21 in "exceptional circumstances." *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009)
22 (§ 1983 action). "When determining whether 'exceptional circumstances' exist, a court
23 must consider 'the likelihood of success on the merits as well as the ability of the petitioner
24 to articulate his claims *pro se* in light of the complexity of the legal issues involved." *Id.*
25 "Neither of these considerations is dispositive and instead must be viewed together." *Id.*
26 In the instant case, the Court does not find exceptional circumstances that warrant the
27 appointment of counsel. The Court denies the motions for appointment of counsel.

28 **E. Motion for Court Action**

1 Plaintiff has filed a motion for court action to screen her third amended complaint
2 and to address her outstanding motions. (ECF No. 27). The Court denies the motion as
3 moot. Plaintiff's third amended complaint (ECF No. 8) is in line for screening. The
4 screening process will take several months. The Court notes that the continuous filing of
5 miscellaneous motions in this case increases the Court's caseload and does not permit
6 the Court to screen Plaintiff's third amended complaint any sooner.
7

8
9
10 **II. CONCLUSION**

11 For the reasons noted,

12 IT IS ORDERED that the motion to strike (ECF No. 9) is denied.

13 IT IS FURTHER ORDERED that the motion to direct clerk to file complaint (ECF
14 No. 10) is denied.

15 IT IS FURTHER ORDERED that the motion to add assisting inmate to transaction
16 service list (ECF No. 11) is denied.

17 IT IS FURTHER ORDERED that the motions directing inmate-to-inmate
18 correspondence (ECF No. 13, 14, 17, 18, 21, 22) are denied without prejudice.

19 IT IS FURTHER ORDERED that the motions related to service (ECF No. 12, 19)
20 are denied.

21 IT IS FURTHER ORDERED that the motions for appointment of counsel (ECF No.
22 20, 23) are denied.

23 IT IS FURTHER ORDERED that the motion for court action (ECF No. 27) is denied.

24 IT IS FURTHER ORDERED that a status hearing is set for October 13, 2017 at
25 2:00 PM in LV Courtroom 7D.

26 DATED: September 29, 2017.

27
28 

RICHARD F. BOULWARE II
UNITED STATES DISTRICT JUDGE