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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LORENZO MORENO,)
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Plaintiff,)
)
v.)
)
PEACE OFFICERS et al.,)
)
Defendants.)
_____)

3:14-cv-533-RCJ-VPC
ORDER

I. DISCUSSION

On February 19, 2015, this Court entered a screening order dismissing the complaint in its entirety, without prejudice, with leave to amend. (ECF No. 8 at 5). The Court granted Plaintiff 30 days to file an amended complaint and stated that it would dismiss the action without prejudice if Plaintiff failed to timely file an amended complaint. (*Id.* at 5-6). On February 25, 2015, Plaintiff wrote a letter to the Court stating that he was slow and dumb, could not “read, write, or spell,” and that he needed a chance to prove that he was not lying. (ECF No. 10-1 at 1). Plaintiff requested that this Court send him a public defender. (*Id.*) Plaintiff also noted that he had a public defender but that he was afraid of his current public defender and wanted a new one. (*Id.*)

The Court interprets Plaintiff’s letter as a motion for an appointment of counsel in his criminal case. However, upon reading the letter, the Court is unclear about a number of matters. First, does Plaintiff have a public defender in his criminal case? If so, who is Plaintiff’s public defender? Second, in what court is Plaintiff’s criminal case pending? For instance, is Plaintiff’s criminal case located in Clark County, Nevada; Washoe County, Nevada; or in another county in Nevada? Third, if Plaintiff would like a new public defender, he must file a motion for a change of counsel in the same court that his criminal case is

1 pending. Plaintiff's criminal case is not pending in the United States District Court for the
2 District of Nevada and, thus, this Court does not have the authority to appoint Plaintiff a new
3 attorney in his criminal case.

4 With respect to the civil rights complaint that Plaintiff filed in this Court, the Court grants
5 Plaintiff 30 days from the date of this order to file an amended complaint in compliance with
6 this Court's February 19, 2015 order. (ECF No. 8). If Plaintiff fails to file an amended
7 complaint curing the deficiencies of his complaint, this action shall be dismissed without
8 prejudice. As discussed in this Court's screening order, if someone has attacked Plaintiff,
9 Plaintiff should detail in his amended complaint: (a) who attacked Plaintiff, (b) how did this
10 person attack Plaintiff, and (c) what injuries did Plaintiff suffer from this attack. (See ECF No.
11 8 at 3-4).

12 **II. CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that the Court interprets Plaintiff's letter
14 (ECF No. 10-1) as a motion for appointment of counsel for his criminal case.

15 IT IS FURTHER ORDERED that the Court denies the motion for appointment of
16 counsel for his criminal case (ECF No. 10-1).

17 IT IS FURTHER ORDERED that Plaintiff has 30 days from the date of this order to file
18 an amended complaint in compliance with this Court's February 19, 2015 order.

19 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
20 approved form for filing a § 1983 complaint, instructions for the same, a copy of his original
21 complaint (ECF No. 9), and a copy of this Court's screening order (ECF No. 8). If Plaintiff
22 chooses to file an amended complaint, he must use the approved form and he shall write the
23 words "First Amended" above the words "Civil Rights Complaint" in the caption.

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IT IS FURTHER ORDERED that if Plaintiff fails to file an amended complaint curing the deficiencies outlined in the Court's February 19, 2015, screening order, this action will be dismissed without prejudice.

DATED: This 24th day of March, 2015.


United States Magistrate Judge