

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 RICHARD C. RODOLF,

9 Plaintiff,

10 v.

11 CHRISTOPHER KIELAND, *et al.*,

12 Defendant.
13

NO. C08-475RSL

ORDER OF REFERENCE

14
15 This matter comes before the Court on plaintiff's letter to the Court, Dkt. #65. The Court
16 construes this *pro se* plaintiff's letter as a motion for appointment of counsel. Plaintiff's request
17 for counsel was previously denied by United States Magistrate Judge Mary Alice Theiler, Dkt.
18 ## 18, 28, as plaintiff had demonstrated neither exceptional circumstances nor an inability to
19 articulate his claims *pro se*, Dkt. # 18 at 1. Since that time, however, key defendants have lost on
20 summary judgment, Dkt. #55, and plaintiff's case has been scheduled for trial as a result, Dkt. #64.
21 Plaintiff's latest request indicates that he feels ill-equipped to confront these latest developments without
22 legal assistance.
23


24 The Court hereby REFERS plaintiff's request for appointment of counsel (Dkt. #65) to the
25 Screening Committee of the Pro Bono Panel for review and consideration. The Court directs the Clerk
26

27 ORDER OF REFERENCE – 1
28

1 of Court to forward plaintiff's request for appointment of counsel (Dkt. #65), plaintiff's complaint (Dkt.
2 #15), Magistrate Judge Theiler's Report and Recommendation ("R&R") (Dkt. #47), the Court's Order
3 adopting the R&R (Dkt. #55), the Court's Order denying plaintiff's motion to supplement (Dkt. #60),
4 and the Court's Order setting trial date and related dates (Dkt. #64) to the Screening Committee. The
5 Clerk shall note plaintiff's motion to appoint counsel (Dkt. #65) for July 10, 2009 pending the Screening
6 Committee's recommendation as to whether the Court should appoint counsel.
7

8 In addition, plaintiff's motion to subpoena medical records (Dkt. #58) will be HELD IN
9 ABEYANCE pending the Screening Committee's recommendation on plaintiff's request for counsel.¹
10
11

12 DATED this 11th day of June, 2009.
13
14
15
16

17 
18 Robert S. Lasnik
19 United States District Judge
20
21
22

23 ¹ The Court is aware that plaintiff has filed a notice that he is withdrawing his motion to
24 subpoena medical records, Dkt. #66. However, plaintiff indicated that his reason for withdrawing the
25 motion is that he "do[es] not have enough time and resources to reply to [defendants'] response" before
26 the note date, *id.* at 2, and stated that he will postpone the motion until he has "adequate resources at a
27 later date," *id.* The Court therefore interprets plaintiff's withdrawal of his motion as a motion to
28 continue. As the Court has held the motion to subpoena medical records in abeyance, the Court will not
rule on plaintiff's motion to continue until after it hears back from the Screening Committee.