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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIYAM AKMAL,

Plaintiff - Appellant,

v.

CENTERSTANCE INC.; et al.,

Defendants - Appellees.

No. 11-35769

D.C. No. 3:11-cv-05378-RJB

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Robert J. Bryan, District Judge, Presiding

Submitted December 19, 2012\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Mariyam Akmal appeals pro se from the district court's order denying her motion for appointment of counsel in her employment discrimination action brought under 42 U.S.C. § 1981. We dismiss this appeal for lack of jurisdiction.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The district court construed Akmal's request for counsel under both Title VII's appointment provision, 42 U.S.C. § 2000e-5(f)(1), and the provision generally applicable to indigent civil litigants, 28 U.S.C. § 1915(e). However, because Akmal has consistently and expressly stated that her claims are brought under § 1981, and not Title VII, only § 1915(e) is properly at issue. Accordingly, we lack jurisdiction because the district court's denial of Akmal's request for counsel is not immediately appealable. *See Kuster v. Block*, 773 F.2d 1048, 1049 (9th Cir. 1985); *see also Wilborn v. Escalderon*, 789 F.2d 1328, 1330 & n.2 (9th Cir. 1986) (recognizing that while orders denying appointment of counsel under Title VII may be immediately appealed, denials of counsel under § 1915 may not).

We similarly lack jurisdiction to review the district court's order regarding pre-trial discovery deadlines. *See Nascimento v. Dummer*, 508 F.3d 905, 909 (9th Cir. 2007) ("Discovery orders, such as an order not to extend the time for discovery, are interlocutory and thus not usually subject to immediate appeal.").

**DISMISSED.**