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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIYAM AKMAL,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>CENTERSTANCE INC.; et al.,</p> <p>Defendants - Appellees.</p>
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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.

* 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.