IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

LANCE WOOD,

                  Plaintiff,

vs.

SANDRA MARTIN,

                  Defendant.

Case No. 3:04-cv-00099-BLW

ORDER

The Court has before it Plaintiff's Motion for Postponement of Trial (Dkt. 458), and Plaintiff's Renewed Motion for Appointment of Renee McKenzie to Assist Lance Wood at Trial (Dkt. 459).

Plaintiff asks the Court to move the trial because he is busy working as a class representative in the *Balla* prison litigation matter, as well as assisting other prisoners with their civil cases. Mr. Wood asks the Court to continue the trial for a months.

The Court does not believe that Mr. Wood is any busier than the Court or opposing counsel. Moreover, given the posture of this case – the fact that it was nearly completed before a mistrial was declared – preparing for the next trial should not be all that time-consuming. Additionally, the Court's docket is full, and the Court would need to continue the trial for at least several months if it were to move the trial date. This case is already very old, and yet another delay is unwarranted. Accordingly, the Court will
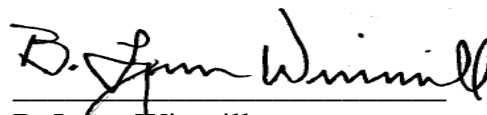
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deny the motion.

With regard to Plaintiff's Motion for Legal Assistance requesting that the Court allow Renee McKenzie of McKenzie Law Offices to assist Mr. Wood at trial, the Court will grant the motion. However, the Court will remind Mr. Wood and Ms. McKenzie that Ms. McKenzie may not act in any manner which would constitute the practice of law, including but not limited to advice and aid on law, civil procedure, the rules of evidence, strategy, or the subject matter of the trial. This includes being a conduit between a licensed attorney and Mr. Wood.

IT IS ORDERED:

1.   Plaintiff's Motion for Postponement of Trial (Dkt. 458) is **DENIED**.

2.   Plaintiff's Renewed Motion for Appointment of Renee McKenzie to Assist Lance Wood at Trial (Dkt. 459) is **GRANTED** with the limitations explained above.

DATED: February 6, 2013

B. Lynn Winmill
Chief Judge
United States District Court

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