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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW R. LOPEZ,

Plaintiff,

No. 2:11-cv-0806 MCE KJN P

vs.

MATTHEW CATE, et al.,

Defendants.

ORDER

_____ /

Plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff’s request for the appointment of counsel will therefore be denied.

In addition, plaintiff requested an extension of time to file objections to the July 18, 2011 findings and recommendations. Good cause appearing, the request is granted.


///

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff's August 1, 2011 request for the appointment of counsel (dkt. no. 12)
- 3 is denied;
- 4 2. Plaintiff's August 1, 2011 motion for an extension of time is granted; and
- 5 3. Plaintiff is granted thirty days from the date of this order in which to file
- 6 objections to the July 18, 2011 findings and recommendations.

7 DATED: August 9, 2011

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10 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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