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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ERIC HOLMES,		1:05-cv-00825 LJO GSA (PC)
	Plaintiff,	ORDER GRANTING PLAINTIFF’S
vs.		MOTIONS FOR EXTENSION OF TIME TO
A.K. SCRIBNER, et al.,		FILE SECOND AMENDED COMPLAINT
		AND DENYING MOTION FOR COUNSEL
		(DOCUMENTS #26, 27)
Defendants.	/	THIRTY DAY DEADLINE

Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On March 30, 2009, and again on April 10, 2009, Plaintiff filed motions for an extension of time to file his second amended complaint pursuant to the court's order of February 26, 2009. Good cause appearing, plaintiff's motions for an extension of time shall be granted.

Plaintiff has also 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 District Court for the Southern District of Iowa*, 490 U.S. 296, 298, 109 S.Ct.1814, 1816 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997). Without a reasonable method of securing and compensating counsel, this court will seek volunteer counsel only in the most serious and exceptional cases. In the present case, the court does not find the required exceptional circumstances. See *Rand*, 113 F.3d at 1525. Even if it is assumed that

1 plaintiff is not well versed in the law and that he has made serious allegations which, if proved, would  
2 entitle him to relief, his case is not exceptional. This court is faced with similar cases almost daily.  
3 Therefore, plaintiff's motion for the appointment of counsel shall be denied.

4 In accordance with the above, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff is GRANTED thirty days from the date of service of this order in which to file  
6 his second amended complaint; and
- 7 2. Plaintiff's motion for the appointment of counsel is DENIED.

8 IT IS SO ORDERED.

9 **Dated: April 16, 2009**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE

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