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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SANTOS RENE FLORES,
Plaintiff,
v.
R. SUMAYA, et al.,
Defendants.

1:07-cv-00853-GSA-PC

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(Doc. 32.)

ORDER DIRECTING CLERK TO SEND
DOCKET SHEET TO PLAINTIFF

Santos Rene Flores ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. On August 9, 2010, Plaintiff filed a motion for appointment of counsel and a request for an update on the status of his case. Plaintiff was transferred from Corcoran State Prison to San Quentin State Prison and is concerned that he has not been informed of recent case activity.

With regard to Plaintiff's motion for 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

1 Cir. 1997). Without a reasonable method of securing and compensating counsel, this court will seek
2 volunteer counsel only in the most serious and exceptional cases. In the present case, the court does not
3 find the required exceptional circumstances. See Rand, 113 F.3d at 1525. Even if it is assumed that
4 Plaintiff is not well versed in the law or the English language, and that he has made serious allegations
5 which, if proved, would entitle him to relief, his case is not exceptional. This court is faced with similar
6 cases almost daily. Therefore, Plaintiff's request for the appointment of counsel shall be denied.

7 With regard to Plaintiff's request for an update on the status of his case, the Clerk shall be
8 directed to send Plaintiff a current docket sheet for this action.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's motion for the appointment of counsel is DENIED, without prejudice; and
- 11 2. The Clerk is DIRECTED to send Plaintiff a current docket sheet for this action.

12 IT IS SO ORDERED.

13 **Dated: December 16, 2010**

14 /s/ Gary S. Austin
15 UNITED STATES MAGISTRATE JUDGE
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