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

JEAN-PIERRE K. THOMAS,

1:08-cv-00689-LJO-DLB PC

Plaintiff,

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

v.

M. P. GARCIA, et al.,

( DOCUMENT # 104)

Defendants.

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On January 19, 2012, Plaintiff, a California state prisoner proceeding pro se, filed a motion seeking the appointment of counsel pursuant to 28 U.S.C. § 1915(d), now codified at § 1915(e)(1). Pursuant to § 1915(e)(1), “[t]he court may request an attorney to represent any person unable to afford counsel.” This section applies to persons proceeding in forma pauperis. *See Mallard v. United States Dist. Court for Southern Dist.*, 490 U.S. 296, 298 (1989). Plaintiff is not proceeding in forma pauperis in this action, having paid the filing fee in full. Thus, the Court lacks statutory authority to appoint counsel to represent Plaintiff.

For the foregoing reasons, Plaintiff’s motion for the appointment of counsel is HEREBY DENIED.

IT IS SO ORDERED.

**Dated: March 14, 2012**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE