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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SAMMY ZAMARO,
Plaintiff,
v.
G. MOONGA, et al,
Defendant.

1:09-cv-00580-BAM (PC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL ON APPEAL

(ECF No. 148)

This action is currently on appeal to the United States Court of Appeals for the Ninth Circuit. On March 17, 2014, Plaintiff filed a motion seeking the appointment of counsel on appeal. Plaintiff's motion is best directed to the United States Court of Appeals for the Ninth Circuit. However, as Plaintiff filed his motion in this court, this court will address it.

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. Therefore, plaintiff's request for the appointment of counsel shall be denied.

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Accordingly, plaintiff's motion for the appointment of counsel on appeal, filed March 17, 2014, is HEREBY DENIED.

IT IS SO ORDERED.

Dated: April 10, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE