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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DEON WADE,)	1:09cv0599 AWI DLB
)	
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S
)	MOTION FOR APPOINTMENT OF
v.)	COUNSEL
)	(Document 44)
FRESNO POLICE DEPARTMENT, et al.,)	
)	
)	
Defendants.)	
_____)	

Plaintiff Deon Wade (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this action. Plaintiff filed his complaint on April 3, 2009.

On July 30, 2009, Plaintiff filed a motion to appoint counsel and a declaration of indigence. The Court denied Plaintiff’s motion on August 7, 2009.

Now pending before this Court is Plaintiff’s renewed motion for appointment of counsel filed on August 19, 2010. Plaintiff indicates that he is unable to afford counsel, his imprisonment limits his ability to litigate, the issues in the case are complex, and counsel would better enable him to present evidence and cross-examine witnesses at trial. Plaintiff also states that he has been unable to obtain counsel.

As the Court previously explained to Plaintiff, 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,

1 298, 109 S.Ct. 1814, 1816 (1989). In certain exceptional circumstances, the court may request
2 the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Rand v. Rowland, 113
3 F.3d 1520, 1525 (9th Cir. 1997). Without a reasonable method of securing and compensating
4 counsel, this Court will seek volunteer counsel only in the most serious and exceptional cases.

5 Here, the Court has not found the required exceptional circumstances. See Rand, 113
6 F.3d at 1525. As the Court found once before, even if it is assumed that Plaintiff is not well
7 versed in the law and that he has made serious allegations which, if proved, would entitle him to
8 relief, his case is not exceptional. The Court is faced with similar cases on a regular basis.
9 Therefore, Plaintiff's renewed request for the appointment of counsel is DENIED.

10 IT IS SO ORDERED.

11 **Dated: August 24, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE