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

JOSEPH DANNY PROPHET,

Plaintiff,

1:09 CV 01066 OWW YNP SMS (PC)

vs.

KEN CLARK, et al.,

Defendants.

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(DOC 3)

Plaintiff has 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, 109 S.Ct. 1814 (1989).

In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(d). Terrell v. Brewer, 935 F.2d 1015 (9th

1 Cir. 1990); Wood v. Housewright, 900 F.2d 1332 (9th Cir. 1990). In the present case, the court
2 does not find the required exceptional circumstances.

3 Accordingly, plaintiff's request for the appointment of counsel is denied.
4

5 IT IS SO ORDERED.

6 **Dated:** April 8, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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