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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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9   LAMONT SHEPARD,   CASE NO. 1:09-cv-01628-OWW-GSA

10   Plaintiff,   ORDER DENYING PLAINTIFF'S MOTION
                                                  FOR APPOINTMENT OF COUNSEL
11   v.
                                                  (Doc. 9.)
12   DR. COHEN, et al.,

13   Defendants.
                                          /
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15   Plaintiff, Lamont Shepard, is a state prisoner proceeding pro se and in forma pauperis in this

16   civil rights action pursuant to 42 U.S.C. § 1983.

17   Plaintiff has requested the appointment of counsel. The United States Supreme Court has

18   ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983

19   cases. Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298,

20   109 S.Ct. 1814, 1816 (1989). In certain exceptional circumstances, the court may request the

21   voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Rand v. Rowland, 113 F.3d

22   1520, 1525 (9th Cir. 1997). Without a reasonable method of securing and compensating counsel,

23   this court will seek volunteer counsel only in the most serious and exceptional cases.

24   In the present case, the court does not find the required exceptional circumstances. See Rand,

25   113 F.3d at 1525. Even if it is assumed that plaintiff is not well versed in the law and that he has

26   made serious allegations which, if proved, would entitle him to relief, his case is not exceptional.

27   This court is faced with similar cases almost daily. Therefore, plaintiff's request for the appointment

28   of counsel shall be denied.

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1   In accordance with the above, plaintiff's request for the appointment of counsel is HEREBY

2   DENIED.

3   IT IS SO ORDERED.

4   **Dated: March 5, 2010**   **/s/ Gary S. Austin**
                                                UNITED STATES MAGISTRATE JUDGE
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