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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NOEL RODRIGUEZ,

Plaintiff,

v.

ISSAC, et al.,

Defendants.

CASE NO. 1:09-cv-1784-AWI-MJS (PC)

ORDER DENYING MOTION TO TRANSFER  
AND MOTION FOR ASSISTANCE OF  
COUNSEL

(ECF No. 12)

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Plaintiff Noel Rodriguez ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff's Motion for Transfer/Change of Address and Appointment of Voluntary Assistance of Counsel [ECF No. 12] filed on November 24, 2009.

At the time Plaintiff filed the instant motion, he was being house at Corcoran State Prison. In his Motion, Plaintiff asks the Court to order that he be transferred to Kern Valley State Prison or Pleasant Valley State Prison. However, Plaintiff filed a change of address on May 24, 2010, indicating that he had been transferred to Kern Valley State Prison. It therefore appears that the relief sought by Plaintiff has already been granted, and thus that portion of the instant Motion is moot.

Plaintiff also asks the Court to appoint counsel to assist him. 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

1 circumstances, the Court may request the voluntary assistance of counsel pursuant to 28  
2 U.S.C. § 1915(e)(1). Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997). However,  
3 without a reasonable method of securing and compensating counsel, the Court will seek  
4 volunteer counsel only in the most serious and exceptional cases. In the present case, the  
5 Court does not find the required exceptional circumstances. See Rand, 113 F.3d at 1525.  
6 Even if it is assumed that Plaintiff is not well-versed in the law and that he has made  
7 serious allegations which, if proved, would entitle him to relief, his case is not exceptional.  
8 This Court is faced with similar cases almost daily.

9         Accordingly, Plaintiff's Motion for Transfer/Change of Address and Appointment of  
10 Voluntary Assistance of Counsel [ECF No. 12] is DENIED.

11  
12 IT IS SO ORDERED.

13 Dated: July 13, 2010

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE