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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA

8 ALLEN LANGLEY,

CASE NO. 1:10-cv-30-MJS (PC)

9 Plaintiff,

ORDER GRANTING MOTION TO  
WITHDRAW REQUEST TO AMEND  
COMPLAINT

10 v.

11 R.J. BALLASH, et al.,

(ECF No. 23)

12 Defendants.

ORDER DENYING MOTION FOR  
RECONSIDERATION

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14 \_\_\_\_\_/ (ECF No. 18)  
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16 Plaintiff Allen Langley ("Plaintiff") is a federal prisoner proceeding pro se and in  
17 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On June 8, 2010,  
18 the Court granted Plaintiff's Motion to Amend and allowed Plaintiff to file an amended  
19 complaint as he had requested. (ECF No. 22.) Plaintiff now seeks to rescind his request  
20 to amend his complaint and to proceed on his complaint as originally filed. Plaintiff's  
21 Motion to Withdraw Amended Motion [ECF No. 23] is GRANTED. The Court will proceed  
22 on Plaintiff's original complaint, filed December 28, 2009.

23 Plaintiff has also filed a Motion for Reconsideration asking the Court to reconsider  
24 its denial of his request to have counsel appointed to assist him. The Court has reviewed  
25 both Plaintiff's original motion and his Motion for Reconsideration and finds that neither set  
26 forth adequate facts to cause this court to seek voluntary counsel to assist Plaintiff. As  
27 Plaintiff has previously been informed, the United States Supreme Court has ruled that  
28 district courts lack authority to require counsel to represent indigent prisoners in § 1983

1 cases. Mallard v. United States District Court for the Southern District of Iowa, 490 U.S.  
2 296, 298, 109 S.Ct. 1814, 1816 (1989). This court will seek volunteer counsel only in the  
3 most serious and exceptional cases; the Court does not find the required exceptional  
4 circumstances. See Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997). Even if it is  
5 assumed that Plaintiff is not well-versed in the law and that he has made serious  
6 allegations which, if proved, would entitle him to relief, his case is not exceptional. This  
7 Court is faced with similar cases almost daily. Accordingly, Plaintiff's Motion for  
8 Reconsideration [ECF No. 18] is DENIED.

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12 IT IS SO ORDERED.

13 Dated: July 13, 2010

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE