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

FRANK ROSAS SUMAHIT,

Plaintiff,

Civ. No. S-03-2605 KJM CKD P

vs.

CLAY PARKER,

ORDER

Defendants.

This case was on calendar on September 14, 2011 for a hearing on plaintiff's motion in limine. Plaintiff appeared via videoconferencing; Gary Brickwood, Brickwood Law Office, appeared for defendant.

The court resolves plaintiff's motion in limine as follows: Although defendant may refer to the fact that plaintiff has a felony record, has served time in prison, and was being held as a civil detainee at the time relevant to this action, he may not inform the jury that plaintiff was adjudged a sexually violent predator (SVP), that he was being held to determine his SVP status or that his prior felony convictions were for child molestation.

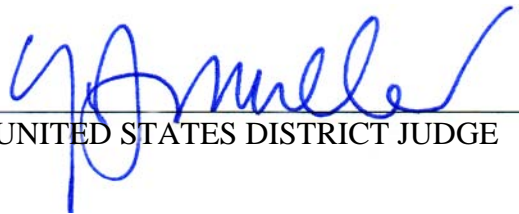
Plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent plaintiffs in § 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In

1 certain exceptional circumstances, the court may request the voluntary assistance of counsel
2 pursuant to 28 U.S.C. § 1915(e)(1). *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991);
3 *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court
4 does not find the required exceptional circumstances. Plaintiff's request for the appointment of
5 counsel will therefore be denied.

6 IT THEREFORE ORDERED that:

- 7 1. Plaintiff's motion for the appointment of counsel (ECF No. 98) is denied;
- 8 2. Plaintiff's motion in limine (ECF No. 118) is granted; and
- 9 3. Plaintiff is directed to send his exhibits to defendant's counsel within seven
10 days of the date of this order.

11 DATED: September 20, 2011.

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13 _____
14 UNITED STATES DISTRICT JUDGE