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

BYRON EUGENE JOHNSON,

Plaintiff,

No. CIV S-05-2123 GEB EFB P

vs.

DAVID L. RUNNELS, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has requested that the court appoint counsel. District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request counsel voluntarily to represent such a plaintiff. 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). The court finds that there are no exceptional circumstances in this case.

Plaintiff also requests an extension of time to file and serve his pretrial statement. *See* Fed. R. Civ. P. 6(b). That request is granted.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's January 25, 2010 request for appointment of counsel is denied.

3 2. Plaintiff's January 5, 2010 request is granted and plaintiff has 60 days from the date
4 this order is served to file and serve a pretrial statement.

5 So ordered.

6 DATED: January 29, 2010.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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