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

KEVIN EUGENE KING,

Plaintiff,

No. CIV S-06-0065 LKK GGH P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

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 prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 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). In the present case, the court does not find the required exceptional circumstances. Plaintiff’s request for the appointment of counsel will therefore be denied.

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1                     Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the  
2 appointment of counsel is denied. This order is without prejudice to plaintiff seeking counsel for  
3 purposes of the certified interlocutory appeal, if the Ninth Circuit determine to hear such appeal.

4 DATED: February 25, 2010

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6                                     /s/ Gregory G. Hollows

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9                                     GREGORY G. HOLLOWES  
10                                    UNITED STATES MAGISTRATE JUDGE

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