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

CHARLES E. TURNER,
Plaintiff,
vs.
RON HICKMAN, et al.,
Defendants.

No. CIV S-06-0207-FCD-CMK-P

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's request for leave to proceed in forma pauperis (Doc. 10). Plaintiff's complaint will be addressed separately.

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, be granted.

As to plaintiff's request for judicial notice (Doc. 8), filed on February 17, 2006, plaintiff recites difficulties in complying with the court's February 2, 2006, fee order. Because plaintiff will be granted in forma pauperis status, the request for judicial notice is moot and will be denied.

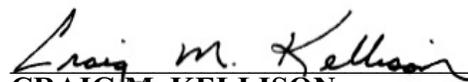
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1 Also pending before the court is plaintiff's second motion for appointment of
2 counsel (Doc. 9). The United States Supreme Court has ruled that district courts lack authority
3 to require counsel to represent indigent prisoners in § 1983 cases. See Mallard v. United States
4 Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may
5 request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v.
6 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36
7 (9th Cir. 1990). In the present case, the court does not at this time find the required exceptional
8 circumstances.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's motion for leave to proceed in forma pauperis is granted;
- 11 2. Plaintiff is required to pay the full statutory filing fee for this action
12 pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);
- 13 3. No initial partial filing fee will be assessed pursuant to 28 U.S.C.
14 § 1915(b)(1);
- 15 4. Plaintiff will be obligated for monthly payments of twenty percent of the
16 preceding month's income credited to plaintiff's prison trust account, such payments to be
17 forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's
18 account exceeds \$10.00, until the statutory filing fee is paid in full, pursuant to 28 U.S.C.
19 § 1915(b)(2);
- 20 5. Plaintiff's request for judicial notice is denied as moot; and
- 21 6. Plaintiff's second request for the appointment of counsel is denied.

22 DATED: April 5, 2006.

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24 
25 **CRAIG M. KELLISON**
26 UNITED STATES MAGISTRATE JUDGE