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7	IN THE UNITED STATES DISTRICT COURT
8	FOR THE EASTERN DISTRICT OF CALIFORNIA
9	ARMSTER HAMPTON,
10	Plaintiff, No. 2:06-cv-0966 JAM KJN P
11	VS.
12	P. SAHOTA, et al.,
13	Defendants. <u>ORDER</u>
14	/
15	On March 26, 2009, the Magistrate Judge issued an order denying plaintiff's
16	motion for counsel. On December 2, 2011, plaintiff filed a request for reconsideration of that
17	order. Local Rule 303(b), states "rulings by Magistrate Judges shall be final if no reconsideration
18	thereof is sought from the Court within fourteen days from the date of service of the ruling on
19	the parties" E.D. Local Rule 303(b). Plaintiff's request for reconsideration of the magistrate
20	judge's order of March 26, 2009, is therefore untimely.
21	To the extent plaintiff's motion for reconsideration can be construed as a renewed
22	motion for appointment of counsel, the United States Supreme Court has ruled that district courts
23	lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v.
24	United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the
25	court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). <u>Terrell</u>
26	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
	Doskata

1	circumstances. Therefore, plaintiff's request for the appointment of counsel is denied.
2	Accordingly, IT IS HEREBY ORDERED that plaintiff's December 2, 2011
3	request for reconsideration and renewed request for appointment of counsel (Dkt. No. 86) is
4	denied.
5	DATED: December 14, 2011
6	/s/ John A. Mendez
7	/s/ John A. Mendez UNITED STATES DISTRICT JUDGE
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