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

EDDIE FRIAS,

Plaintiff,

No. 2:06-cv-1867 MCE CKD P

vs.

LT. G. MARSHALL,

Defendant.

ORDER

_____ /

Plaintiff has requested the appointment of counsel. (Dkt. No. 76.) 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 motion for the appointment of counsel will therefore be denied.

The court has also reviewed plaintiff's motion to postpone the trial date by 90 days. (Dkt. No. 76.) In light of the fact that this case has been pending for six years, the court will decline to grant this extension.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the
2 appointment of counsel and an extension of the trial date (Docket No. 76) is denied.

3 Dated: August 7, 2012

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5 _____
6 CAROLYN K. DELANEY
7 UNITED STATES MAGISTRATE JUDGE

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9 /mp
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