

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

JOSE MANUEL PEREZ,

Plaintiff, No. CIV S-06-2090 MCE GGH I

VS.

D.K. SISTO, 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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Accordingly, IT IS HEREBY ORDERED that plaintiff's 2/05/09 (# 35) request for the appointment of counsel is denied.

DATED: February 19, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWSS  
UNITED STATES MAGISTRATE JUDGE

GGH:md  
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