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

ANDREW CALVIN COLEY,)	
)	Case No. 2:07-cv-00934-PMP-GWF
Plaintiff,)	
)	<u>ORDER</u>
vs.)	
DR. CASSIM, <i>et al.</i> ,)	
)	
Defendants.)	

This matter is before the Court on Plaintiff's Requests for Appointment of Counsel (#36) and (#37), filed on December 31, 2008, and on January 12, 2009, respectively.

As the Court previously advised Plaintiff, 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 exceptional circumstances, the court may request counsel voluntarily to represent such a plaintiff. 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). The Court again finds that there are no exceptional circumstances in this case. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Requests for Appointment of Counsel (#36) and (#37) are **denied**.

DATED this 15th day of January, 2009.

George Foley Jr.

GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE