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

MARQUIS VERNARD WALKER,

Plaintiff,

No. CIV S-07-1323 WBS EFB P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____/


Plaintiff is a state prisoner proceeding with counsel in an action brought under 42 U.S.C. § 1983. The court is in receipt of a two-page ex parte motion, filed by plaintiff, to substitute his attorney. Because the request discloses confidential attorney-client communications, it will be filed under seal. E.D. Cal., Local Rule 141(d). Although plaintiff’s current counsel agreed to represent him on a pro bono basis, plaintiff does not have a right to appointed counsel in this case. As plaintiff is well aware, district courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). Plaintiff’s request to substitute his current counsel is therefore denied. If plaintiff wishes to proceed pro se in this action, he may so inform his counsel and request that she file a motion to withdraw. However, if plaintiff’s counsel withdraws, plaintiff will proceed to trial on the date scheduled representing himself.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to file pages 1-2 of plaintiff's April 26, 2012 ex parte motion to substitute counsel, under seal.
2. Plaintiff's April 26, 2012 ex parte motion to substitute counsel is denied.

DATED: May 7, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE