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

SCOTT CHARLES MATTHEWS,

Plaintiff,

No. CIV S-07-1418 GEB KJM P

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, 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.

Plaintiff has also asked why no defendants apart from defendant Hui have responded to the complaint. In its screening order, the court found service of the complaint appropriate for defendant Hui only. Docket No. 23.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the
2 appointment of counsel (Docket No. 31) is denied.

3 DATED: January 6, 2010.

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6 U.S. MAGISTRATE JUDGE

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