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

ALEXANDER LEES,

Plaintiff,

No. CIV S-08-0196 KJM P

vs.

T. FELKER, et al.,

Defendants.

ORDER

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Plaintiff has requested the appointment of counsel to assist him telephonically during the upcoming settlement conference. 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, noting that plaintiff has represented himself ably to date, the court does not find the required exceptional circumstances. Plaintiff's motion for the appointment of counsel will therefore be denied.

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1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the  
2 appointment of counsel (Docket No. 100) is denied.

3 DATED: October 1, 2010.

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6 U.S. MAGISTRATE JUDGE

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