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

AMOS RYLES,

Plaintiff,

No. CIV S-08-0615 JAM EFB P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has requested that the court appoint counsel. 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). 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 finds that there are no exceptional circumstances in this case.

Plaintiff has also filed a motion for reconsideration, requesting that “this case [be] reheard” Dckt. No. 41. On October 9, 2009, the court denied defendant’s motion to dismiss and directed defendant to file an answer. Dckt. No. 36. On October 14, 2009, defendant filed an answer, and on October 20, 2009, the court issued a discovery and scheduling order.

1 Dckt. No. 37, 38. This action is proceeding on plaintiff's original complaint, and thus, his
2 request to have this case be "reheard," is inappropriate.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's January 11, 2010 motion for appointment of counsel is denied; and
5 2. Plaintiff's January 4, 2010 motion for reconsideration is denied.

6 DATED: January 14, 2010.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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