

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

TERRENCE BROWNLEE,

Plaintiff,

No. 2:08-cv-0661 LKK AC P

vs.

R. CLAYTON, 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, as the court has stated previously (Doc. No. 92), the issues are relatively straightforward and expert assistance is not required. Therefore, the court does not find the requisite exceptional circumstances. Plaintiff's request for the appointment of counsel will therefore be denied.

////

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

3 DATED: January 14, 2013.

4
5 
6 _____
7 ALLISON CLAIRE
8 UNITED STATES MAGISTRATE JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
AC:md
brow0661.31