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

LEROY BENJAMIN,

No. CIV S-08-0995-WBS-CMK-P

Plaintiff,

vs.

ORDER

CAROLYN A. LAWSON,

Defendant.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for appointment of counsel (Docs. 19, 20, 21, and 22). The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. See 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). See 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 at this time find the required exceptional circumstances.

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1 To the extent plaintiff seeks appointment of counsel to assist him in effecting
2 service of process on defendant Lawson, the court's February 6, 2009, order advised plaintiff of
3 resources available to him, including but not limited to, a request for information through the
4 California Public Records Act. Plaintiff has not provided any indication that he has sought to
5 locate defendant Lawson through this or any other means. The court will sua sponte extend the
6 time for plaintiff to provide the court with information sufficient to locate and serve defendant
7 Lawson.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Plaintiff's request for the appointment of counsel (Docs. 19, 20, 21, and
10 22) is denied; and

11 2. Plaintiff shall promptly seek additional information sufficient to effect
12 service on defendant Lawson and notify the court within 60 days of the date of this order.

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14 DATED: April 13, 2009

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16 **CRAIG M. KELLISON**
17 UNITED STATES MAGISTRATE JUDGE
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