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

BOB SAVAGE,

Plaintiff,

No. 2:08-cv-1346 LKK JFM (PC)

vs.

SUZAN HUBBARD, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On July 12, 2010, plaintiff filed a request for appointment of Roger Dreyer, Esq., to represent plaintiff in this action. There is no evidence in the record of communications, if any, between plaintiff and Mr. Dreyer concerning the possibility of such representation.

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.

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For the foregoing reasons, plaintiff's request for the appointment of Roger Dreyer, Esq. to represent him in this action will be denied.

In accordance with the above, IT IS HEREBY ORDERED that plaintiff's July 12, 2010 request for appointment of counsel is denied.

DATED: September 14, 2010

  
UNITED STATES MAGISTRATE JUDGE

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