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

CECIL JEROME HATCHETT,

Plaintiff,

No. CIV S-08-1832 FCD DAD P

vs.

KELLY N. BROOGSBY, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff has filed a notice of appeal and 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, the court does not find the required exceptional circumstances. Plaintiff’s request for the appointment of counsel will therefore be denied. Plaintiff may renew his request directly to the Court of Appeals.

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1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's July 10, 2009 request for  
2 the appointment of counsel (Doc. No. 10), included in his notice of appeal, is denied.

3 DATED: July 15, 2009.

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7                   DALE A. DROZD  
8                   UNITED STATES MAGISTRATE JUDGE

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