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

KENNETH ADRIAN FULLER,

Plaintiff,

No. CIV S-08-2369 FCD GGH P

vs.

UNKNOWN,

Defendants.

ORDER

_____ /

Plaintiff has motioned for 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 motion for the appointment of counsel will therefore be denied.

Plaintiff has also motioned for a 60 day extension of time to file an amended complaint. Plaintiff is granted a thirty day extension of time. Any further requests for extension of time must be supported by substantial cause.

1 Plaintiff has also filed a motion to compel. Because no defendants have been
2 served, this motion is premature.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's December 30, 2008, motion for the appointment of counsel (Docket
5 No. 13) is denied;

6 2. Plaintiff's December 30, 2008, motion for an extension of time (Docket No.
7 15) is granted; plaintiff is granted thirty days from the date of this order in which to file an
8 amended complaint;

9 3. Plaintiff's December 30, 2008, motion to compel (Docket No. 14) is denied.

10 DATED: January 8, 2009

11 /s/ Gregory G. Hollows

12 _____
13 GREGORY G. HOLLOWS
14 UNITED STATES MAGISTRATE JUDGE

14 GGH:kly
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