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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	ANTHONY DEAN,
11	Plaintiff, No. 2:08-cv-2398 JFM (PC)
12	VS.
13	HAZEWOOD, et al.,
14	Defendants. <u>ORDER</u>
15	/
16	Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to
17	42 U.S.C. § 1983. This matter is proceeding before the undersigned with the consent of the
18	parties pursuant to 28 U.S.C. § 636(c).
19	On October 26, 2011, plaintiff filed a motion for appointment of counsel. The
20	United States Supreme Court has ruled that district courts lack authority to require counsel to
21	represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296,
22	298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance
23	of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.
24	1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the
25	court does not find the required exceptional circumstances. Plaintiff's motion for the
26	appointment of counsel will therefore be denied.

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1	On October 28, 2011, plaintiff filed a motion for a fourteen day extension of time
2	to file a motion for reconsideration of this court's September 28, 2011 order granting in part and
3	denying in part defendants' motion for summary judgment. Plaintiff is not presently subject to
4	an approaching deadline for filing a motion for reconsideration. Cf. Fed. R. Civ. P. 60; Local
5	Rule 230(j). Accordingly, plaintiff's motion will be denied as unnecessary.
6	In accordance with the above, IT IS HEREBY ORDERED that:
7	1. Plaintiff's October 26, 2011 motion for appointment of counsel is denied; and
8	2. Plaintiff's October 28, 2011 motion for extension of time is denied.
9	DATED: November 7, 2011.
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11	UNTED STATÉS MAGISTRATE JJDGE
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