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

ROBERT TUNSTALL,

Plaintiff,

No. 2:08-cv-3176 WBS JFM (PC)

vs.

MIKE KNOWLES, et al.,

Defendants.

ORDER

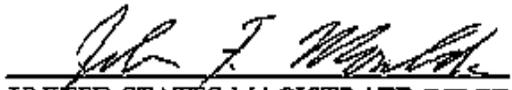
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Plaintiff has filed his fourth motion for the appointment of counsel. Plaintiff's previous motions were denied by order filed August 3, 2010. As the court noted in the prior order, the United States Supreme Court has ruled that district courts lack 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 latest motion for the appointment of counsel will therefore be denied.

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1 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's October
2 13, 2010 motion for the appointment of counsel is denied.

3 DATED: October 21, 2010.

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5 
6 UNITED STATES MAGISTRATE JUDGE

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