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

LAFONZO R. TURNER,

Plaintiff,

No. 2:09-cv-0117 WBS KJN P

vs.

SACRAMENTO COUNTY JAIL, et al.,

Defendants.

ORDER

_____/

Plaintiff has 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. Therefore, plaintiff’s motion for the appointment of counsel is denied.

On July 19, 2010, plaintiff filed a motion for extension of time and a motion for an order to give plaintiff access to his legal property. Plaintiff is advised that at the present time, there are no impending deadlines for which an extension of time would be required. As for

1 plaintiff's legal materials, plaintiff has not demonstrated that he has requested return of his legal
2 materials from prison officials and been denied their return. Thus, plaintiff's motion will be
3 denied without prejudice.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's August 18, 2010 motion for the appointment of counsel (dkt. no. 73)
6 is denied.
- 7 2. Plaintiff's July 19, 2010 motion for extension of time (dkt. no. 72) is denied.
- 8 3. Plaintiff's July 19, 2010 motion regarding legal property (dkt. no. 72) is denied
9 without prejudice.

10 DATED: August 24, 2010

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14 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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