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

KEVIN HOUSTON,

Plaintiff,

No. CIV S-09-0178 EFB P

vs.

MIKE KNOWLES, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has requested that the court appoint counsel. District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request counsel voluntarily to represent such a plaintiff. 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). The court finds that there are no exceptional circumstances in this case. Plaintiff’s request is premised on his assertion that he has been separated from his legal materials. The court’s order of March 3, 2010 responded to that assertion, requiring counsel for defendants to inquire into the status of plaintiff’s access to his legal materials and respond to plaintiff’s motion for a protective order directing defendant Dickinson to provide him with those materials. Dckt. No. 67.

1           Accordingly, IT IS HEREBY ORDERED that plaintiff's February 24, 2011 request for  
2 appointment of counsel is denied.

3 DATED: March 7, 2011.

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5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE  
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