

1  
2  
3  
4  
5  
6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10

11 LLEWELYN L. GABALIS,

No. CIV S-09-0253-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 R. PLAINER, et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant  
18 to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for appointment of counsel  
19 (Doc. 25). The United States Supreme Court has ruled that district courts lack authority to  
20 require counsel to represent indigent prisoners in § 1983 cases. See Mallard v. United States  
21 Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may  
22 request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v.  
23 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36  
24 (9th Cir. 1990). In the present case, the court does not at this time find the required exceptional  
25 circumstances.

26 ///

1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the  
2 appointment of counsel (Doc. 25) is denied.

3  
4  
5 DATED: October 21, 2009

6   
7 **CRAIG M. KELLISON**  
8 UNITED STATES MAGISTRATE JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26