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

JAMES EVANS,

Plaintiff,

No. 2:09-cv-0292 WBS JFM (PC)

vs.

FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiff has again moved for the appointment of counsel.¹ As the court has previously noted, 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 motion for the appointment of counsel will therefore be denied.

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¹ Plaintiff's last motion for appointment of counsel was filed on July 16, 2010 and denied by order filed August 6, 2010.

1 Plaintiff also moves for a thirty day extension of time to “file” discovery. It is
2 unclear from the motion whether plaintiff seeks an extension of time to respond to an outstanding
3 discovery request, or to serve a discovery request on defendants, or to take some other action
4 with respect to discovery. Accordingly, the motion will be denied without prejudice.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff’s September 3, 2010 motion for the appointment of counsel is denied;
7 and
8 2. Plaintiff’s September 3, 2010 motion for extension of time is denied without
9 prejudice.

10 DATED: September 14, 2010..

11
12 
13 UNITED STATES MAGISTRATE JUDGE

14 12/mp
15 evan0292.31(3)