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

DANIEL TREGLIA,

Plaintiff,
vs.

No. 2:09-cv-0352 KJN P

DIRECTOR OF CALIFORNIA
DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. On February 22, 2010, and March 1, 2010, plaintiff filed motions to compel, for sanctions and for summary judgment which are pending before the court.

On April 5, 2010, plaintiff filed a motion for a settlement conference. Defendant has not responded to the motion for a settlement conference, so defendant shall reply within 14 days and state if they wish to take part in a settlement conference. If defendant chooses not to proceed with a settlement conference, the court will address the pending motions.


On April 21, 2010, plaintiff filed a motion requesting 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

1 assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017
2 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present
3 case, the court does not find the required exceptional circumstances. Therefore, plaintiff's
4 request for the appointment of counsel is denied.

5 In accordance with the above, IT IS HEREBY ORDERED that:

- 6 1. Defendant shall reply within 14 days if they wish to participate in a settlement
7 conference.
- 8 2. Plaintiff's April 21, 2010 request for the appointment of counsel is denied.

9 DATED: April 23, 2010

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14 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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