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

JEFFREY E. WALKER,

Plaintiff,

No. CIV S-09-0642 WBS CKD P

vs.

A. H. WHITTEN, et al.,

Defendants.

ORDER

_____ /

Plaintiff has requested an extension of time to file an opposition to defendants' motion for summary judgment. Good cause appearing, that request will be granted.

Plaintiff has also 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. Plaintiff's request for the appointment of counsel will therefore be denied.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's December 12, 2011 motion for an extension of time is granted;

3 2. Plaintiff is granted thirty days from the date of this order in which to file and
4 serve his opposition to defendants' motion for summary judgment.

5 3. Plaintiff's December 12, 2011 request for the appointment of counsel is
6 denied.¹

7 Dated: December 15, 2011

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9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

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24 ¹ Plaintiff filed three documents on December 12, 2011 in which plaintiff makes
25 representations which are confusing. It is possible, but not entirely clear, plaintiff is requesting an
26 extension of the August 26, 2011 discovery cutoff date to either propound more discovery requests
or file a motion to compel responses to discovery. However, plaintiff has not provided the court with
any coherent reason as to why the court should extend the deadline for discovery.