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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY R. XAVIER,
Plaintiff,
v.
S. M. ROCHE, et al.,
Defendants.

No. 2:09-cv-0783 KJM CKD P

ORDER

Plaintiff has 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.

Plaintiff has also filed a motion for extension of time to file objections to the July 11, 2016, findings and recommendations. Plaintiff filed his objections to the magistrate judge's findings and recommendations on August 4, 2016.

Accordingly, IT IS HEREBY ORDERED that:

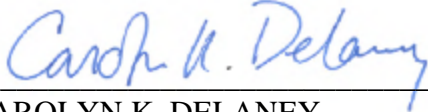
1. Plaintiff's request for the appointment of counsel (ECF No. 124) is denied;

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2. Plaintiff's motion for an extension of time (ECF No. 123) is granted;

3. Plaintiff's objections to the findings and recommendations filed on August 4, 2016, are deemed timely. Defendants' reply, if any, shall be filed within seven days from the date of this order.

Dated: August 12, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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