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

GARY RAYMOND XAVIER,

Plaintiff,

No. CIV S-09-0783 LKK KJM P

vs.

S. M. ROCHE, et al.,

Defendants.

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.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the
2 appointment of counsel (Docket No. 16) is denied.

3 DATED: October 29, 2009.

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5 _____
6 U.S. MAGISTRATE JUDGE

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