

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

JOHN E. BRACAMONTE,

Plaintiff, No. CIV S-09-1205 KJM P

VS.

R. GRADY, et al.,

Defendants. ORDER

Plaintiff has requested the appointment of counsel. The United States Supreme Court has held that district courts lack authority to require counsel to represent indigent parties in 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request the voluntary assistance of counsel under 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); McFerrowright v. United States, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court finds that the plaintiff has not established the required exceptional circumstances. Plaintiff's request for the appointment of counsel 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. 18) is denied.

3 DATED: April 2, 2010.

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5 U.S. MAGISTRATE JUDGE

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