

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

ALTON E. DEAN,

Plaintiff,

No. 2:09-cv-1339 KJN P

vs.

CAVAGNARO, et al.,

Defendants.

ORDER

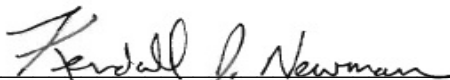
\_\_\_\_\_ /

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 motions for the appointment of counsel will therefore be denied.

///  
///  
///

1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's March 1, 2010 and  
2 March 2, 2010 motions for the appointment of counsel are denied.

3 DATED: March 4, 2010

4  
5   
6 KENDALL J. NEWMAN  
7 UNITED STATES MAGISTRATE JUDGE

8  
9 dean1339.31

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26