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

RONALD BROOK,

Plaintiff,

No. 2:09-cv-1364 GEB CKD P

vs.

V. SINGH, et al.,

Defendants.

ORDER

_____ /

On March 19, 2012, defendants’ motion for summary judgment was denied. (Dkt. No. 76, adopting findings and recommendations at Dkt. No. 72). A settlement conference held July 12, 2012 did not result in settlement. (Dkt. No. 90.) As the parties’ pretrial statements in this action were filed in June 2011 (Dkt. Nos. 51, 54), the court will give the parties the opportunity to file amended pretrial statements. If a party does not timely file an amended pretrial statement (replacing the June 2011 statement), the court will base its Pretrial Order on the party’s June 2011 statement. Amended pretrial statements will be due within 30 days of this order.

Plaintiff has renewed his request for the appointment of counsel. (Dkt. No. 91.) 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.

1 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary
2 assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017
3 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present
4 case, the court does not find the required exceptional circumstances. Plaintiff's request for the
5 appointment of counsel will therefore be denied.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The parties are granted 30 days to file amended pretrial statements;
- 8 2. Plaintiff's request for the appointment of counsel (Docket No. 91) is denied.

9 Dated: August 17, 2012

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11 CAROLYN K. DELANEY
12 UNITED STATES MAGISTRATE JUDGE

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