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

JAMES T. RODGERS,

Plaintiff,

No. CIV S-09-1367 EFB P

vs.

PLACER COUNTY SHERIFF'S
DEPARTMENT, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has requested that the court appoint counsel and claims he cannot proceed in this action without counsel. The court construes plaintiff's filing as also requesting an extension of time.

District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request counsel voluntarily to represent such a plaintiff. 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). The court finds that there are no exceptional circumstances in this case.

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1 On January 12, 2011, the court granted plaintiff's request for an extension of time to file
2 and serve an amended complaint in accordance with the court's October 27, 2010 order. Dckt.
3 No. 30. The court informed plaintiff that he could seek another extension of time if his medical
4 condition has not improved. In his request for counsel, plaintiff claims that is still unable to
5 control his hands to use a pen or a pencil. The court will therefore grant plaintiff another
6 extension of time to file an amended complaint.

7 Accordingly, IT IS HEREBY ORDERED that plaintiff's February 23, 2011 request for
8 appointment of counsel is denied, and plaintiff's February 23, 2011 request for an extension of
9 time is granted. Plaintiff has 30 days from the date this order is served to file and serve an
10 amended complaint in accordance with the court's October 27, 2010 order.

11 Dated: March 11, 2011.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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