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

NIKIANO MONTOYA,

Plaintiff,

No. CIV S-09-1580 KJM P

vs.

D. CHILDERS,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. Plaintiff has two motions before the court.

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 motion for the appointment of counsel will therefore be denied.

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1 Plaintiff also seeks an extension of thirty days in which to answer interrogatories
2 and requests for production of documents. Good cause appearing, that request will be granted.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's motion for the appointment of counsel (Docket No. 27) is denied.

5 2. Plaintiff's motion for an extension of time (Docket No. 29) is granted.

6 Plaintiff has thirty days from the entry of this order in which to answer discovery requests served
7 upon him by the defendant.

8 DATED: September 9, 2010.

9 
10 U.S. MAGISTRATE JUDGE

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