

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

MIKE L. PARMENTER, No. CIV S-09-1664-CMK-F

Plaintiff,

VS.

ORDER

DEPARTMENT OF CORRECTIONS,

Defendants.

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is Plaintiff's request for an extension of time (Doc. 17) and request for appointment of counsel (Doc. 15).

Petitioner is requesting the court grant him an extension of time, but he does not indicate what he needs additional time for. There is currently no outstanding deadline requiring a response from Plaintiff. Plaintiff was granted leave to proceed in forma pauperis on August 6, 2009. His complaint is currently submitted for the court to screen pursuant to 28 U.S.C. § 1915A(a). Therefore, there is no action currently required of Plaintiff, and no extension of time is necessary.

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1 As to plaintiff's motion for appointment of counsel (Doc. 15), the United States
2 Supreme Court has ruled that district courts lack authority to require counsel to represent
3 indigent prisoners in § 1983 cases. See Mallard v. United States Dist. Court, 490 U.S. 296, 298
4 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of
5 counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.
6 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the
7 court does not at this time find the required exceptional circumstances.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Plaintiff's request for an extension of time (Doc. 17) is denied; and
10 2. Plaintiff's request for the appointment of counsel (Doc. 15) is denied.

12 DATED: August 31, 2009

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14 CRAIG M. KELLISON
15 UNITED STATES MAGISTRATE JUDGE