

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 MIKE L. PARMENTER,

No. CIV S-09-1664-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 DEPARTMENT OF CORRECTIONS,

15 Defendants.
16 _____/

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

20 Petitioner is requesting the court grant him an extension of time, but he does not
21 indicate what he needs additional time for. There is currently no outstanding deadline requiring a
22 response from Plaintiff. Plaintiff was granted leave to proceed in forma pauperis on August 6,
23 2009. His complaint is currently submitted for the court to screen pursuant to 28 U.S.C.
24 § 1915A(a). Therefore, there is no action currently required of Plaintiff, and no extension of
25 time is necessary.

26 ///

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.

11
12 DATED: August 31, 2009

13 
14 **CRAIG M. KELLISON**
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26