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

GREGORY S. PHILPOTT,

Plaintiff,

No. CIV-S-09-1773 MCE KJM P

vs.

R. WILLIAMS,

Defendant.

ORDER

_____/

Plaintiff has requested an extension of time to file objections to the May 12, 2010 findings and recommendations. Good cause appearing, this request will be granted.

In addition, 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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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for an extension of time (Docket No. 14) is granted;
2. Plaintiff is granted thirty days from the date of this order in which to file objections to the findings and recommendations; and
3. Plaintiff's motion for the appointment of counsel (Docket No. 15) is denied.

DATED: June 10, 2010.


U.S. MAGISTRATE JUDGE

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