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

JOSEPH B. MATTHEWS,

Plaintiff,

No. 2:09-cv-2415 GEB KJN P

vs.

LAHEY, et al.,

Defendants.

ORDER

_____/

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 request for the appointment of counsel will therefore be denied.

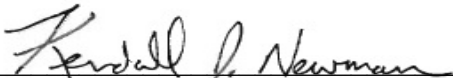
On May 18, 2010, plaintiff filed a request to issue subpoenas directed to nonparties to obtain access to medical records. Good cause appearing, the Clerk of the Court will be directed to execute the subpoenas and return them to plaintiff for service.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's April 23, 2010 request for the appointment of counsel is denied.

3 2. The Clerk of Court shall execute the three subpoenas submitted by plaintiff on
4 May 18, 2010, and shall return them to plaintiff for service.

5 DATED: May 20, 2010

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9 KENDALL J. NEWMAN
 UNITED STATES MAGISTRATE JUDGE

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