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

HORACE ANDREW BELL,

Plaintiff,

No. CIV S-09-2426 JAM EFB P

vs.

KELLY HARRINGTON, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has requested that the court appoint counsel. District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request counsel voluntarily to represent such a plaintiff. 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). The court finds that there are no exceptional circumstances in this case.

In addition, plaintiff has requested that the spelling of defendant Doran’s name be corrected on the service document given to the U.S. Marshal. Such a correction may be unnecessary, as plaintiff has spelled the name properly in his complaint. If the U.S. Marshal is unable to serve defendant Doran because of the spelling error, plaintiff may renew his request.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's May 25, 2011 motion for
2 appointment of counsel and to correct defendant Doran's name is denied without prejudice.

3 DATED: June 6, 2011.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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