

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

TONY AUSTIN GANT,

Plaintiff,

No. 2:09-cv-2439 KJN P

vs.

TOM BOSENKO, 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. Therefore, plaintiff's request for the appointment of counsel is denied.

////

////

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's February 22, 2010
2 request for the appointment of counsel is denied.

3 DATED: March 3, 2010

4
5 
6 _____
7 KENDALL J. NEWMAN
8 UNITED STATES MAGISTRATE JUDGE

9
10 gant2439.31