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

10 MARLIN PENN,

11 Plaintiff,

No. 2:09-cv-2443 JFM (PC)

12 vs.

13 WARDEN MCDONALD, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff has requested the appointment of counsel. The United States Supreme
17 Court has ruled that district courts lack authority to require counsel to represent indigent
18 prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In
19 certain exceptional circumstances, the court may request the voluntary assistance of counsel
20 pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);
21 Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court
22 does not find the required exceptional circumstances. Plaintiff's request for the appointment of
23 counsel will therefore be denied.

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

3 DATED: March 29, 2010.

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5 
6 UNITED STATES MAGISTRATE JUDGE

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