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

ROBERT P. BENYAMINI,

Plaintiff,

No. CIV S-09-2453 GEB EFB P

vs.

M. FORSYTHE, et al.,

Defendants.

ORDER

_____/


On May 20, 2011, the undersigned issued findings and recommendations recommending this action be dismissed because of plaintiff’s failure to prosecute. On July 13, 2011, the assigned district judge adopted that recommendation and dismissed this action. Judgment was entered accordingly. Notwithstanding that judgment closing this case, plaintiff has filed a request for appointment of counsel, a motion for emergency transfer, and a request for an emergency stay.

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

1 exceptional circumstances in this case. Moreover, because this case is closed, plaintiff is not
2 entitled to the requested emergency transfer or emergency stay.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motions, Dckt. Nos. 36, 37, are
4 denied. The court will not respond to future filings by petitioner that are not authorized by the
5 Federal Rules of Civil Procedure or the Federal Rules of Appellate Procedure.

6 DATED: October 19, 2011.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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