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

CLIFFORD LOCKLEAR,

Plaintiff,

No. 2:09-cv-2594 JFM (PC)

vs.

DR. SCHWINER, et al.,

Defendants.

ORDER

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Plaintiff has filed a second motion for appointment of counsel.<sup>1</sup> 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 still does not find the required exceptional circumstances. Plaintiff's second motion for the appointment of counsel will therefore be denied.

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<sup>1</sup> Plaintiff's first motion was filed September 16, 2009 and denied by order filed October 15, 2009.

1 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's  
2 December 31, 2009 motion for the appointment of counsel is denied.

3 DATED: February 1, 2010.

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6 UNITED STATES MAGISTRATE JUDGE

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