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

MARIO A. WILLIAMS,

Plaintiff,

No. CIV S-09-2665 GEB EFB P

vs.

J.W. HAVILAND, 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 and an expert witness. He has also requested an extension of time to file a reply to defendants’ opposition to his motion for summary judgment.

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 and the request for counsel is denied. Plaintiff’s request for an expert witness is also denied. The request is premature in that this case has not been set

1 for trial. Moreover, plaintiff offers no explanation as to why an expert witness should be
2 appointed or what type of testimony would be offered by such an expert.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's October 8, 2010 request for appointment of counsel and for an expert
5 witness is denied.

6 2. Plaintiff's October 13, 2010 request is granted and plaintiff has 30 days from the date
7 this order is served to file and serve a reply to defendants' opposition to the motion for summary
8 judgment.

9 So ordered.

10 DATED: October 18, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE