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

LAWRENCE CYPRIAN,

Plaintiff,

No. 2:09-cv-2704 JAM JFM (PC)

vs.

DERRICK GIVENS, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On December 23, 2009, this court denied plaintiff’s first motion to appoint counsel. On September 9, 2011, plaintiff filed a document styled as a motion for reconsideration of appointment of counsel. This court construes plaintiff’s motion as a renewed motion for the appointment of counsel.

As the court explained in the December 23, 2009 order, 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

1 court does not find the required exceptional circumstances. Plaintiff's renewed motion for the
2 appointment of counsel will therefore be denied.

3 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's
4 September 9, 2011 renewed motion for appointment of counsel is denied.

5 DATED: November 9, 2011.

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7 
8 UNITED STATES MAGISTRATE JUDGE

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