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

MICHAEL BAKER,

Plaintiff,

No. 2:09-cv-2757 MCE KJN P

vs.

PEREZ, et al.,

Defendants.

ORDER

_____ /

Plaintiff has requested the appointment of counsel. 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 does not find the required exceptional circumstances. Therefore, plaintiff’s motion for the appointment of counsel is denied.

On September 30, 2010, plaintiff filed a motion for an extension of time to conduct discovery and a motion requesting that prison officials be ordered to provide him with access to his legal property and reading glasses. Plaintiff claimed that he could not prosecute this

1 action without access to these items. On October 28, 2010, defendants informed the court that
2 plaintiff now has access to his legal property and reading glasses. Accordingly, plaintiff's
3 motion for access to these items is denied as moot.


4 Pursuant to the September 15, 2010 scheduling order, the discovery cut-off date is
5 January 3, 2011. Because plaintiff was denied access to his legal property, the discovery cut-off
6 date is re-set to February 11, 2011. All requests for discovery are to be served no later than sixty
7 days prior to that date. The pretrial motion cut-off date of March 25, 2011 is also vacated and re-
8 set for April 22, 2011.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Plaintiff's motion for the appointment of counsel (Dkt. No. 27) is denied;
11 2. Plaintiff's motion for access to his legal property (Dkt. No. 26) is denied as
12 moot;

13 3. Plaintiff's motion for an extension of time to conduct discovery (Dkt. No. 25)
14 is granted; the discovery cut-off date of January 3, 2011 is vacated and re-set for February 11,
15 2011; all requests for discovery are to be served no later than sixty days prior to that date; the
16 pretrial motion cut-off date of March 25, 2011 is vacated and re-set for April 22, 2011.

17 DATED: November 2, 2010

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21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE

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