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

DEANGELO CLAY,

Plaintiff,

No. CIV S-09-2899 CKD P

vs.

J. WALKER, 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. Plaintiff’s request for the appointment of counsel will therefore be denied.

Plaintiff has also requested that another inmate, acting as plaintiff’s legal assistant, be present at plaintiff’s videotaped deposition. As plaintiff has no right to the presence of an inmate legal assistant at his deposition, the court will deny this request.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's January 6, 2012 motion for legal assistant (Dkt. No. 56) is denied;
2. Plaintiff's January 9, 2012 motion to appoint counsel (Dkt. No. 57) is denied.

Dated: January 24, 2012



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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