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

AMADOR SERRANO,

No. CIV S-09-2927-FCD-CMK-P

Plaintiff,

vs.

ORDER

CALIFORNIA CORRECTIONAL  
DEPARTMENT OF CORRECTION,  
et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court are plaintiff’s motion for appointment of counsel (Doc.21) and request for leave to proceed in forma pauperis (Doc. 20).

As to plaintiff’s request to proceed in forma pauperis, that request is duplicative of a request which was previously granted. The current request will, therefore, be denied as unnecessary. As to plaintiff’s motion for counsel, the United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. See 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

1 28 U.S.C. § 1915(e)(1). See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v.  
2 Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not at  
3 this time find the required exceptional circumstances.

4           Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for appointment  
5 of counsel (Doc. 21) and request for leave to proceed in forma pauperis (Doc. 20) are denied.

6  
7 DATED: July 22, 2010

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9 **CRAIG M. KELLISON**  
10 UNITED STATES MAGISTRATE JUDGE