

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

JEFFREY BRYAN NORSWORTHY, No. CIV S-09-2989-LKK-CMK-F

Plaintiff,

VS.

## ORDER

MATTHEW CATE, 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 motions for appointment of counsel (Docs. 4 and 13). 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 28 U.S.C. § 1915(e)(1). See 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 at this time find the required exceptional circumstances.

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1            Accordingly, IT IS HEREBY ORDERED that plaintiff's requests for the  
2 appointment of counsel (Docs. 4 and 13) are denied.

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4            DATED: May 6, 2010

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6            **CRAIG M. KELLISON**  
7            **UNITED STATES MAGISTRATE JUDGE**