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

DAVID EARL PARMER,

Plaintiff,

No. CIV S-09-3310 FCD GGH P

vs.

J. WALKER, et al.,

Defendants.

ORDER

_____ /

At this time within this civil rights action, Findings and Recommendations are pending (filed on April 5, 2010), recommending dismissal of this case without prejudice (for plaintiff's failure to respond to the Order, filed on February 16, 2010, regarding the requisite documentation to pursue in forma pauperis status). Plaintiff had previously requested the appointment of counsel, inappositely asking, in this 42 U.S.C. § 1983 filing, for counsel to be appointed for his petition for writ of habeas corpus.

To the extent that the request can be construed as seeking appointment of counsel for the instant civil rights complaint, 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

