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

ROBERT E. STEPHENSON,

Plaintiff,

No. CIV S-10-0238 GGH P

vs.

M. MARTEL, 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. The facts of this case are rather simple, plaintiff alleges that defendants failed to protect him from another inmate. At the current time, findings and recommendations are pending and counsel is not required, moreover, plaintiff has ably litigated the case to this point. Plaintiff's request for the appointment of counsel will therefore be denied.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of counsel (Docket No. 52) is denied.

DATED: March 21, 2012

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH:md
step0238.31