

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 FIKRI BAYRAMOGLU,

11 Plaintiff,

No. CIV S-10-0328 EFB P

12 vs.

13 JAMES H. GOMEZ, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
17 U.S.C. § 1983. He has requested that the court appoint counsel. District courts lack authority to
18 require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States*
19 *Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request
20 counsel voluntarily to represent such a plaintiff. 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935
21 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990).
22 The court finds that there are no exceptional circumstances in this case.

23 Plaintiff has also moved for summary judgment. As the court has not yet screened his
24 complaint, and the defendants have not yet been served, his motion for summary judgment is
25 premature and is be denied without prejudice.

26 ///

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's June 16, 2010 motion for
2 appointment of counsel and for summary judgment is denied without prejudice.

3 DATED: June 21, 2010.

4 
5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26