

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

FIKRI BAYRAMOGLU,

Plaintiff, No. CIV S-10-0328 EFB P

VS.

JAMES H. GOMEZ, et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has requested that the court appoint counsel. District courts lack authority to appoint counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request counsel voluntarily to represent such a plaintiff. 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). The court finds that there are no exceptional circumstances in this case.

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

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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.

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5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE  
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