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

GREGORY SMITH,

Plaintiff,

No. CIV S-10-0762 KJM P

vs.

PREETRANJAN SAHOTA, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has not, however, filed a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). Plaintiff will be provided the opportunity to submit a certified copy of his prison trust account statement.

In addition, 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.

1 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the
2 court does not find the required exceptional circumstances. Plaintiff's request for the
3 appointment of counsel will therefore be denied.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. Plaintiff shall submit, within thirty days from the date of this order, a certified
6 copy of his prison trust account statement for the six month period immediately preceding the
7 filing of the complaint. Plaintiff's failure to comply with this order will result in a
8 recommendation that this action be dismissed without prejudice; and

9 2. Plaintiff's motion for the appointment of counsel (Docket No. 4) is denied.

10 DATED: April 7, 2010.

11 
12 U.S. MAGISTRATE JUDGE

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