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

ELBERT LEE VAUGHT,

Plaintiff,

No. CIV S-10-1108 DAD P

vs.

B. MIRANDA, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested 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). Circumstances common to most prisoners, such as lack of legal education and limited law library access, do not establish exceptional circumstances that would warrant a request for voluntary assistance of counsel. Upon review of plaintiff’s case, the court does not find the required exceptional circumstances.

1 Plaintiff also requests an order directing the prison law library staff to provide him  
2 with three copies of any legal document he may file with the court in the future. Plaintiff  
3 contends that the law library staff will provide him with only two copies of documents, one for  
4 the court and one for the Attorney General's Office. The court will deny plaintiff's motion. The  
5 court notes that plaintiff was recently provided sufficient copies of his amended complaint for  
6 service on defendants. Plaintiff has not demonstrated that the prison law library staff have  
7 interfered with the prosecution of this action. Furthermore, to the extent that plaintiff seeks  
8 injunctive relief, he seeks such relief with respect to individuals who are not named as defendants  
9 in this action. This court is unable to issue an order against individuals who are not parties to a  
10 suit pending before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112  
11 (1969).

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Plaintiff's October 18, 2010 motion for appointment of counsel (Doc. No. 16)  
14 is denied; and

15 2. Plaintiff's October 18, 2010 motion for a court order directing that he be  
16 provided three copies of all documents he seeks to file with the court (Doc. No. 17) is denied.

17 DATED: October 22, 2010.

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21 DALE A. DROZD  
22 UNITED STATES MAGISTRATE JUDGE

21 DAD:md/4  
22 vaug1108.31