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

REIGH CARL ELLIS,

Plaintiff,

No. CIV S-10-1643 KJM CKD P

vs.

DENNY R. FORLAND, et al.,

Defendants.

ORDER

_____ /

Plaintiff requests that the court appoint counsel for appeal (dkt. 20). 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. Plaintiff's request for the appointment of counsel will therefore be denied.

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1 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's request
2 for the appointment of counsel is denied.

3 Dated: November 30, 2011

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5 _____
6 CAROLYN K. DELANEY
7 UNITED STATES MAGISTRATE JUDGE

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