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

ARMANDO HERRERA,

Plaintiff,

No. CIV S-10-1744 EFB P

vs.

GARDNER, et al,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983.

Plaintiff has requested that the court appoint counsel. District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. 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 filed a request for the return of the chronos that he attached to his pleadings. While the originals of the documents are part of the court's records, the clerk will send him copies of the documents.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's September 30, 2010 request for appointment of counsel is denied.

3 2. The Clerk of the court is directed to send plaintiff a copy of the documents attached to
4 his July 7, 2010 complaint.

5 DATED: October 27, 2010.



6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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