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

MANUEL GUADALUPE SANCHEZ,

Plaintiff,

No. 2:10-cv-2029 CKD P

vs.

T. VIRGA, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. The court is awaiting filing of plaintiff’s second amended complaint. Given the complexity of the claims plaintiff is attempting to assert, he has requested the assistance of counsel in drafting his second amended complaint.

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, (1989). In certain exceptional circumstances, however, 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 (9th Cir. 1990); Wood v. Housewright, 900 F.2d 1332 (9th Cir. 1990). The court finds that exceptional circumstances warrant requesting that counsel assist plaintiff in drafting his second amended complaint. Plaintiff is informed that this order does not appoint

1 plaintiff counsel for the duration of this case should it proceed through discovery and to a trial.  
2 Once appointed counsel has assisted plaintiff in drafting a second complaint, counsel will be  
3 relieved.

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

5 1. Plaintiff's July 13, 2012 request for the appointment of counsel is granted.

6 2. This case is referred to the prisoner civil rights pro bono panel administrator,  
7 Sujean Park, so that she may locate counsel for the limited purpose of assisting plaintiff in  
8 drafting and filing a second amended complaint.

9 3. Ms. Park shall inform the court when she has located counsel.

10 4. Plaintiff's July 13, 2012 motion for reconsideration is denied without  
11 prejudice.

12 5. Plaintiff need not take any action in this case until further notice.

13 6. The Clerk of the Court shall serve this order on Sujean Park.

14 Dated: July 18, 2012

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16 CAROLYN K. DELANEY  
17 UNITED STATES MAGISTRATE JUDGE

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20 <sup>1</sup>  
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