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

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10 DYKE EDWARD NELSON,

11 Plaintiff,

No. 2:10-cv-2156 MCE JFM (PC)

12 vs.

13 DR. ALEX ZIGA,

14 Defendant.

ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On February 15, 2012, plaintiff filed a motion to extend the deadline for completion of discovery in this action, and on February 24, 2012, plaintiff filed a declaration in support of that motion. Pursuant to the discovery and scheduling order filed in this action on October 11, 2011, all discovery was to be completed by January 27, 2012. Although plaintiff states that he has not conducted any discovery, he makes no showing of what discovery, if any, he requires to proceed with this action. Plaintiff's motion will therefore be denied.

Plaintiff has also moved for 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

1 counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.  
2 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the  
3 court does not find the required exceptional circumstances. Plaintiff's motions for the  
4 appointment of counsel will therefore be denied.

5 Finally, on March 9, 2012, plaintiff filed a notice of change of address in which he  
6 states, inter alia, that he is currently without his legal material and that he requires a court order  
7 to use the prison law library. Plaintiff is informed that the deadline for filing pretrial motions in  
8 this action is April 20, 2012.

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

10 1. Plaintiff's February 15, 2012 motion for extension of time to conduct  
11 discovery is denied; and

12 2. Plaintiff's February 15, 2012 and March 8, 2012 motions for the appointment  
13 of counsel are denied.

14 DATED: March 19, 2012.

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17 UNITED STATES MAGISTRATE JUDGE  
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