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

NORMAN WHITNEY,

Plaintiff,

No. CIV S-10-2532 KJM EFB P

vs.

R. MIRANDA, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He 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 requested that the court grant him a 30-day extension of time to respond to defendants' answer to his complaint. A reply to an answer is not an authorized pleading and plaintiff is advised that no response is therefore due. As plaintiff need not file a response, his request is denied as unnecessary.

1           Accordingly, IT IS HEREBY ORDERED that plaintiff's April 22, 2011 request for  
2 appointment of counsel, and his May 2, 2011 request for an extension of time, are denied.

3 DATED: May 5, 2011.

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5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE  
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