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

HENRY A. JONES,

Plaintiff,

No. CIV S-10-3206 MCE EFB P

vs.

SAHOTA, et al.,

Defendants.

ORDER

_____ /

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. Dckt. Nos. 37, 52. 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).

While attachments to plaintiff’s filings demonstrate he suffers from significant mental illnesses and cognitive limitations, the court finds that at this juncture, there is no indication that plaintiff’s mental illnesses constitute “exceptional circumstances” in comparison to the many other uneducated prisoner pro se litigants who litigate in this court.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's September 6, 2011 and
2 November 21, 2011 motions for appointment of counsel (Dckt. Nos. 37, 52) are denied.

3 DATED: December 5, 2011.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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