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

ISIAH LUCAS, JR.,

No. CIV S-10-3252-GEB-CMK-P

Plaintiff,

vs.

ORDER

GARY SWARTHOUT, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for appointment of counsel (Doc. 30), and motion for an extension of time (Doc. 31) to file an amended complaint.

The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. See Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not at this time find the required exceptional circumstances.

1 Plaintiff has, however, shown good cause for his extension of time request.
2 Plaintiff shall file an amended complaint within 30 days of the date of this order. Plaintiff is
3 warned that failure to file an amended complaint within the time provided may result in dismissal
4 of this action for lack of prosecution and failure to comply with court rules and orders. See Local
5 Rule 110.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's request for the appointment of counsel (Doc. 30) is denied;
- 8 2. Plaintiff's request for additional time to file and amended complaint
9 (Doc. 31) is granted; and
- 10 3. Plaintiff shall file an amended complaint within 30 days of the date of this
11 order.

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13 DATED: December 16, 2011

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15 **CRAIG M. KELLISON**
16 UNITED STATES MAGISTRATE JUDGE
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