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

JOHN BARROS,

Plaintiff,

No. CIV S-11-0006 DAD P

vs.

M. MINNICK, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff has requested 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 counsel pursuant to 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). In the present case, the court does not find the required exceptional circumstances. Plaintiff’s request for the appointment of counsel will therefore be denied.

Plaintiff has also requested a ninety-day extension of time to file an amended complaint. That request will be granted in part. The court will grant plaintiff a sixty-day extension of time to file his amended complaint, even though the court would normally grant

1 only a thirty day extension of time for the filing of an amended complaint. Although proceeding  
2 pro se, the court expects plaintiff to proceed diligently and to comply with this court's orders in a  
3 timely manner.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff's September 20, 2011 request for the appointment of counsel (Doc.  
6 No. 14) is denied;

7 2. Plaintiff's September 20, 2011 motion for an extension of time (Doc. No. 14)  
8 is granted in part; and

9 3. Plaintiff is granted sixty days from the service of this order in which to file an  
10 amended complaint as set forth in the court's September 14, 2011 order.

11 DATED: October 3, 2011.

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15 DALE A. DROZD  
16 UNITED STATES MAGISTRATE JUDGE

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