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

ANDREW RAMIREZ,

Plaintiff,

No. 2:11-cv-0045 LKK KJN P

vs.

D. SWINGLE, 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 motion for the appointment of counsel will therefore be denied.

In addition, on August 13, 2012 plaintiff filed a motion for a forty-five day extension of time. Plaintiff appears to request an extension of time to file objections to the July 26, 2012 findings and recommendations recommending that his motion for injunctive relief be

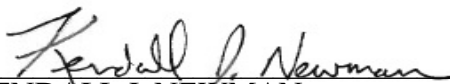
1 denied. The grounds of this request are that High Desert State Prison is on lockdown. While
2 plaintiff's motion for extension of time does not directly address defendants' summary judgment
3 motion filed July 20, 2012, the undersigned construes plaintiff's motion as seeking an extension
4 of time to file an opposition to this motion.

5 Plaintiff is granted thirty days from August 13, 2012 to file his objections and
6 opposition.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's August 13, 2012 motion for the appointment of counsel (Dkt. No.
9 57) is denied;
- 10 2. Plaintiff's August 13, 2012 motion for an extension of time (Dkt. No. 58) is
11 granted; and
- 12 3. Plaintiff's objections to July 26, 2012 findings and recommendations and his
13 opposition to defendants' summary judgment motion are due on or before September 12, 2012.

14 DATED: August 17, 2012

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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