н

I

1	
2	
3	
4	
5	
6	
7	
8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	BOBBY JAMES WILLIAMS,
11	Plaintiff, No. CIV S-11-0055 KJM GGH P
12	VS.
13	BPH DEPUTY COMMISSIONER, et al.,
14	Defendants. <u>ORDER</u>
15	/
16	Plaintiff has requested the appointment of counsel. The United States Supreme
17	Court has ruled that district courts lack authority to require counsel to represent indigent
18	prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In
19	certain exceptional circumstances, the court may request the voluntary assistance of counsel
20	pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);
21	Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).
22	In the present case, the court does not find the required exceptional circumstances.
23	Plaintiff alleges that he was denied due process at his parole hearing, and seeks declaratory relief.
24	Plaintiff has asked for a jury trial, and claims that, now that the case has moved into its discovery
25	stage, he is "not allowed" access to documents and witnesses. Plaintiff additionally claims that
26	he is "mentally ill," but does not identify his mental illness, or otherwise explain how it prevents
	1

1	him from prosecuting this action. See Doc. No. 16, p. 9 ("Plaintiff lacks education and has a
2	mental disability, a mental illness diagnosed by a phychologist [sic])
3	The issues presented by the complaint are not complex, and plaintiff's lack of
4	legal training or expertise are not exceptional. Plaintiff is advised that he is entitled to discovery
5	under the Federal Rules of Civil Procedure. Plaintiff's motion for the appointment of counsel
6	will therefore be denied. In light of plaintiff's request for a jury trial and claims of illness, the
7	court will deny the motion without prejudice.
8	Accordingly, IT IS HEREBY ORDERED that plaintiff's October 14, 2011 motion
9	for the appointment of counsel (Docket No. 16) is denied without prejudice.
10	DATED: November 18, 2011
11	/s/ Gregory G. Hollows UNITED STATES MAGISTRATE JUDGE
12	GGH:rb will0055.31
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
	2

I

I