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

WILLIAM BARKER,

Plaintiff,

No. CIV S-11-0246 LKK GGH P

vs.

R. YASSINE,

Defendant.

ORDER

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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. The issues here are not complicated— plaintiff alleges an incident of excessive force which does not involve the need for expert testimony. And despite plaintiff’s description of his inability to proceed with this lawsuit, the organization and structure of the complaint say otherwise. Plaintiff states that an attorney, Scott Hubbard, wants to take this case and the court should appoint him.

