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

INEZ TITO LUGO,

Plaintiff,

No. 2:11-cv-0317 JFM (PC)

vs.

JOSEPH BICK, et al.,

Defendants.

ORDER

_____ /

On June 24, 2011, a discovery and scheduling order issued setting October 14, 2011 as the discovery deadline. On October 4, 2011 and based upon the stipulation of the parties, the court modified the scheduling order and continued the discovery deadline to January 26, 2012. Plaintiff now seeks a 60-day extension of the January 26, 2012 date to conduct discovery. Plaintiff contends an extension is necessary because he is having difficulty obtaining answers to his discovery requests, he has limited access to the law library and he is ill. Because plaintiff's request for an extension of time comes nearly three months before the modified discovery deadline, the court will deny this request without prejudice. Any dispute concerning defendants' responses to plaintiff's discovery requests shall be brought pursuant to Federal Rule of Civil Procedure 37.

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1 Plaintiff also requests the appointment of counsel. The United States Supreme
2 Court has ruled that district courts lack authority to require counsel to represent indigent
3 prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In
4 certain exceptional circumstances, the court may request the voluntary assistance of counsel
5 pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);
6 Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court
7 does not find the required exceptional circumstances. Plaintiff's motion for the appointment of
8 counsel will therefore be denied.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's November 9, 2011
10 motion for an extension of time and motion for the appointment of counsel is denied.

11 DATED: November 15, 2011.

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14 UNITED STATES MAGISTRATE JUDGE

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