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

GERALD REYNOLDS, JR.,

No. CIV S-11-0326-GEB-CMK-P

Plaintiff,

vs.

ORDER

G. STARCEVICH, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s request for leave to proceed in forma pauperis (Doc. 2). Plaintiff’s complaint will be addressed separately.

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, be granted.

Plaintiff has also filed a motion for the appointment of counsel (Doc. 3). The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. See 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). See Terrell v. Brewer, 935 F.2d 1015,

1 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the
2 present case, the court does not at this time find the required exceptional circumstances.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is
5 granted;

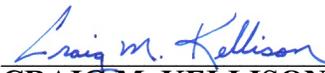
6 2. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this
7 action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);

8 3. No initial partial filing fee will be assessed pursuant to 28 U.S.C.
9 § 1915(b)(1);

10 4. Plaintiff will be obligated for monthly payments of twenty percent of the
11 preceding month's income credited to plaintiff's inmate trust account, such payments to be
12 forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's
13 account exceeds \$10.00, until the statutory filing fee is paid in full, pursuant to 28 U.S.C.
14 § 1915(b)(2); and

15 5. Plaintiff's request for the appointment of counsel (Doc. 3) is denied.

16
17 DATED: April 5, 2011

18 
19 **CRAIG M. KELLISON**
20 UNITED STATES MAGISTRATE JUDGE