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

ORRIN COLBOURN,

Plaintiff,

No. 2:11-cv-0340 WBS JFM (PC)

vs.

DEPUTY T. MANTEL, et al.,

Defendants.

ORDER

_____ /

Plaintiff is an inmate at the Sacramento County Main Jail proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On October 11, 2011, an order was served on plaintiff at his address of record. On October 25, 2011, plaintiff's copy of the order was returned as not deliverable as addressed. In light of information contained in a declaration filed by counsel for defendants in another action pending in this court, Case No. 2:09-cv-2006 MCE GGH P¹, and good cause appearing, counsel for defendants shall take all steps necessary to secure delivery of the October 11, 2011 order to plaintiff and shall file certification thereof within ten days from the date of this order.

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¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 On October 24, 2011, plaintiff filed a motion for the appointment of counsel. The
2 United States Supreme Court has ruled that district courts lack authority to require counsel to
3 represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296,
4 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance
5 of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.
6 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the
7 court does not find the required exceptional circumstances. Plaintiff's motion request for the
8 appointment of counsel will therefore be denied.

9 In accordance with the above, IT IS HEREBY ORDERED that:

10 1. The Clerk of the Court is directed to serve a copy of this order together with a
11 copy of this court's October 11, 2011 order on counsel for defendants;

12 2. Counsel for defendants shall forthwith take all steps necessary to secure
13 delivery of a copy of the October 11, 2011 order to plaintiff and shall file certification thereof
14 within ten days from the date of this order; and

15 3. Plaintiff's October 24, 2011 motion for the appointment of counsel is denied.

16 DATED: November 7, 2011.

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19 UNITED STATES MAGISTRATE JUDGE

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