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

10 ANNE SABETTA, et al.,

11 Plaintiffs,

No. CIV S-11-554 JAM CKD PS

12 vs.

13 NATIONAL RAILROAD PASSENGER
14 CORPORATION, et al.,

15 Defendants.

ORDER

16 _____/
17 Plaintiffs are proceeding in this action pro se. By order filed November 18, 2011,
18 the first amended complaint was dismissed and plaintiffs were granted thirty days leave to amend
19 the complaint. Plaintiffs have not filed an amended complaint but have requested a thirty day
20 extension of time to find housing. The court will construe plaintiffs' request as a request for an
21 extension of time to file an amended complaint.

22 Plaintiffs have also requested that the Marshal be directed to serve summons in
23 this action. The court will decline such request pending review of the second amended
24 complaint, which has yet to be filed.

25 Plaintiffs also request appointment of counsel. In certain exceptional
26 circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C.

1 § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright,
2 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required
3 exceptional circumstances. Plaintiffs' request for the appointment of counsel will therefore be
4 denied.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiffs are granted a thirty day extension of time to file a second amended
7 complaint in compliance with the November 18, 2011 order.

8 2. Plaintiffs' request for service by the Marshal (dkt. no. 16) is denied without
9 prejudice.

10 3. Plaintiffs' request for appointment of counsel (dkt. no. 16) is denied.

11 Dated: January 4, 2012

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13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE

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