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

RICHARD JOSEPH CRANE,

Plaintiff,

No. 2:11-cv-0663 KJM CKD P

vs.

MIKE McDONALD, et al.,

Defendants.

ORDER

_____ /

Plaintiff has requested an extension of time to file a reply in support of his September 14, 2012 motion for preliminary injunction. (Dkt. No. 47.) However, plaintiff was earlier granted an extension of time to file a reply (Dkt. No. 40), and the docket indicates that he constructively filed a reply within the allotted time. (Dkt. No. 48 (proof of service signed November 26, 2012).) Accordingly his motion to extend time will be denied as moot.

Plaintiff has also requested the appointment of counsel. (Dkt. No. 45.) 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

1 court does not find the required exceptional circumstances. Plaintiff's request for the
2 appointment of counsel will therefore be denied.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's November 26, 2012 motion for an extension of time (Dkt. No. 47) is
5 denied as moot, as the court accepts plaintiff's reply filed on November 29, 2012; and

6 2. Petitioner's motion to appoint counsel (Dkt. No. 45) is denied.

7 Dated: December 3, 2012

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9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

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