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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD J. CRANE,
Plaintiff,
v.
MIKE McDONALD, et al.,
Defendants.

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

ORDER

Plaintiff has requested an extension of time to file a response to defendants' motion for summary judgment. Defendants' motion for summary judgment is now due on August 15, 2013. Plaintiff will be granted forty-five days thereafter in which to file a response.

In addition, plaintiff has requested the appointment of counsel. 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 court does not find the required exceptional circumstances. Plaintiff's request for the appointment of counsel will therefore be denied.

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1 Finally, plaintiff has requested a temporary restraining order, though it is not clear what
2 specific relief he seeks. As plaintiff's motion does not concern the denial of outdoor exercise,
3 which is the operative claim in this case, or set forth any basis for injunctive relief, his motion is
4 frivolous and will be denied.¹ (See ECF No. 56 at 4 (advising plaintiff that allegations unrelated
5 to the claims at issue in this action will be disregarded)).

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's August 1, 2013 motion for an extension of time (ECF No. 71) is granted;
- 8 2. Plaintiff is granted forty-five days from the date defendants file their motion for
9 summary judgment to file a response;
- 10 3. Plaintiff's August 1, 2013 request for the appointment of counsel (ECF No. 71) is
11 denied; and
- 12 4. Plaintiff's August 1, 2013 motion for a temporary restraining order (ECF No. 71) is
13 denied.

14 Dated: August 13, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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24 ¹ Local Rule 302 of the Eastern District of California authorizes magistrate judges to handle all
25 aspects of a prisoner's case short of jury trial. This rule reflects the contours of magistrate judge
26 authority established by Congress. Pursuant to Section 636, Title 28, United States Code,
27 magistrate judges may determine any pretrial matter unless it is "dispositive" to the action, see
28 United States v. Raddatz, 447 U.S. 667, 673 (1980), or seeks injunctive relief of the same
character as that which may be finally granted by the action, see De Beers Consolidated Mines,
Ltd. v. United States, 325 U.S. 212, 219-200. See 28 U.S.C. § 636(b) (1)(A). As plaintiff seeks
injunctive relief unrelated to the claims at issue in this action, his motion is properly before the
undersigned for disposition by order.