

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRENCE LAMONT DAVIS,
Plaintiff,
v.
SACRAMENTO COUNTY JAIL, et al.,
Defendants.

No. 2:11-cv-1027 TLN CKD P

ORDER

On May 30, 2013, the court recommended that this action be dismissed because plaintiff had not filed his pretrial statement. Plaintiff filed his pretrial statement on June 10, 2013. Therefore, the court will vacate the May 30, 2013 findings and recommendations and defendants will be granted 21 days within which to file their pretrial statement.

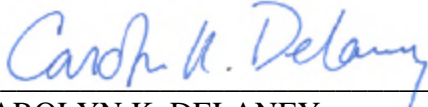
Also, plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, 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 requests for the appointment of counsel will therefore be denied.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued May 30, 2013 (ECF No. 96) are vacated;
2. Plaintiff's motion for an extension of time to file objections to the findings and recommendations (ECF. No. 106) is denied as moot;
3. Defendants are granted 21 days within which to file their pretrial statement; and
4. Plaintiff's requests for the appointment of counsel (ECF No. 99 & 103) are denied.

Dated: June 24, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

1
davi1027.31