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

MICHAEL CORBETT,

Plaintiff,

No. 2:11-cv-1197 JFM (PC)

vs.

R. MICHAEL HAWKINS, et al.,

Defendants.

ORDER

_____ /

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.

In addition, plaintiff has filed a motion for extension of time to submit the documents for service pursuant to the court’s order filed on February 29, 2012. That order incorrectly identified the defendant for whom additional service documents were necessary; plaintiff needs to submit service documents for defendant Stan Schiachter.

Lastly, plaintiff has yet to file an opposition to defendant’s April 9, 2012 motion to dismiss. Local Rule 230(l) provides in part: “Failure of the responding party to file written

1 opposition or to file a statement of no opposition may be deemed a waiver of any opposition to
2 the granting of the motion” On February 3, 2012, plaintiff was advised of the requirements
3 for filing an opposition to the motion and that failure to oppose such a motion may be deemed a
4 waiver of opposition to the motion.

5 Local Rule 110 provides that failure to comply with the Local Rules “may be
6 grounds for imposition of any and all sanctions authorized by statute or Rule or within the
7 inherent power of the Court.” In the order filed February 3, 2012, plaintiff was advised that
8 failure to comply with the Local Rules may result in a recommendation that the action be
9 dismissed.

10 Based on the foregoing, IT IS HEREBY ORDERED that:

11 1. Plaintiff’s May 8, 2012 and May 10, 2012 motions for the appointment of
12 counsel are denied;

13 2. Plaintiff’s May 8, 2012 motion for an extension of time is partially granted;

14 3. Plaintiff is granted thirty days from the date of this order in which to submit
15 the documents for service for defendant Stan Schiachter.

16 4. Also within thirty days of the date of this order, plaintiff shall file an
17 opposition, if any he has, to the motion to dismiss or a statement of non-opposition. Failure to
18 comply with this order will result in dismissal of this action be pursuant Federal Rule of Civil
19 Procedure 41(b).

20 DATED: May 21, 2012.

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23 UNITED STATES MAGISTRATE JUDGE

24 /mp014;corb1197.31+36+46