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

KENNETH GREEN,

Plaintiff,

No. CIV S-11-1515 DAD P

vs.

CALIFORNIA DEP'T OF CORRECTIONS
AND REHABILITATION, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not paid the required filing fee of \$350.00 or filed an application to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a) & 1915(a). Plaintiff will be granted thirty days to pay the filing fee in full or submit a properly completed application to proceed in forma pauperis.

Plaintiff is cautioned that the in forma pauperis application form includes a section that must be completed by a prison official, and the form must be accompanied by a certified copy of plaintiff's prison trust account statement for the six-month period immediately preceding the filing of this action.

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

1 prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In
2 certain exceptional circumstances, the court may request the voluntary assistance of counsel
3 pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);
4 Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court
5 does not find the required exceptional circumstances. Plaintiff's request for the appointment of
6 counsel will therefore be denied.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Plaintiff shall submit, within thirty days from the date of this order, either the
9 \$350.00 filing fee or a properly completed application to proceed in forma pauperis on the form
10 provided with this order; plaintiff is cautioned that failure to comply with this order or seek an
11 extension of time to do so will result in a recommendation that this action be dismissed without
12 prejudice;

13 2. Plaintiff's June 6, 2011 motion for the appointment of counsel (Doc. No. 2) is
14 denied; and

15 3. The Clerk of the Court is directed to send plaintiff an Application to Proceed
16 In Forma Pauperis By a Prisoner for use in a civil rights action.

17 DATED: June 20, 2011.

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20 _____
21 DALE A. DROZD
22 UNITED STATES MAGISTRATE JUDGE

22 DAD:kly/4
23 gree1515.3a