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

MACK WEST,

Plaintiff,

No. 2:11-cv-1692 JFM (PC)

vs.

RYAN PETTIGREW, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On January 23, 2012, plaintiff filed a motion for a second extension of time to file an opposition to defendants’ October 20, 2011 motion to dismiss. Plaintiff also filed a motion for appointment of counsel.

The basis for both of plaintiff’s motions is his representation that he has been placed on suicide watch following his reporting to medical staff that he had attempted suicide and because of that placement he has no access to his legal property, in which is a request for leave to amend and an opposition to defendants’ motion to dismiss. Good cause appearing, plaintiff’s request for an extension of time will be granted.

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). At

1 the present time, the court does not find exceptional circumstances warranting more than an
2 extension of time as requested. Plaintiff's request for the appointment of counsel will therefore
3 be denied without prejudice.

4 In accordance with the above, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's January 23, 2012 motion for an extension of time is granted;
- 6 2. Plaintiff is granted until February 23, 2012 in which to file and serve an
7 opposition to defendants' motion to dismiss;
- 8 3. Defendants' reply, if any, shall be filed within seven days thereafter;
- 9 4. Plaintiff's January 23, 2012 motion for appointment of counsel is denied
10 without prejudice.

11 DATED: January 27, 2012.

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14 UNITED STATES MAGISTRATE JUDGE
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