

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

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

BRANKO MAJSTORIC,

Plaintiff,

No. 2:11-cv-2006 KJN P

vs.

DEPUTY TOMEN,

Defendant.

ORDER

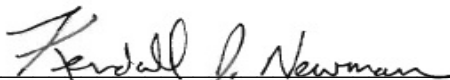
\_\_\_\_\_ /

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 has articulated his claims and complied with all court orders. The complaint contains straightforward claims of false arrest and excessive force, and defendant has not yet appeared in the action. Plaintiff's motion for the appointment of counsel is therefore denied without prejudice.

///

1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's January 30, 2012 request  
2 for the appointment of counsel (Docket No. 18) is denied.

3 DATED: February 10, 2012

4  
5   
6 KENDALL J. NEWMAN  
7 UNITED STATES MAGISTRATE JUDGE

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
majs2006.31.kjn