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

DANIEL DAVIS,

Plaintiff,

No. 2:11-cv-2585 JFM (PC)

vs.

S.M. SALINAS, Warden, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. However, the certificate portion of the request which must be completed by plaintiff’s institution of incarceration has not been filled out. See 28 U.S.C. § 1915(a)(2). Plaintiff will be provided the opportunity to submit a completed in forma pauperis application and a certified copy in support of his application.

In addition, 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.

1 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the
2 court does not find the required exceptional circumstances. Plaintiff's request for the
3 appointment of counsel will therefore be denied.

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

5 1. Within thirty days from the date of this order, plaintiff shall complete the
6 attached Notice of Submission and submit the following documents to the court:

7 a. A complete Application to Proceed In Forma Pauperis By a Prisoner;
8 and

9 b. a certified copy of plaintiff's prison trust account statement for the six
10 month period immediately preceding the filing of the complaint.

11 2. The Clerk of the Court is directed to send plaintiff a new Application to
12 Proceed In Forma Pauperis By a Prisoner; and

13 3. Plaintiff's failure to comply with this order may result in the dismissal of this
14 action without prejudice.

15 4. Plaintiff's September 30, 2011 motion for the appointment of counsel is
16 denied.

17 DATED: October 11, 2011.

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20 UNITED STATES MAGISTRATE JUDGE

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

DANIEL DAVIS,

Plaintiff,

No. 2:11-cv-2585 JFM (PC)

vs.

S.M. SALINAS, Warden, et al.,

NOTICE OF SUBMISSION

Defendants.

_____ /

Plaintiff hereby submits the following document in compliance with the court's
order filed _____:

Complete Application to Proceed In Forma Pauperis
By a Prisoner/Certified Copy of Prison Trust
Account Statement

DATED:

Plaintiff