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

JAMES HENRY FLOURNOY,

Plaintiff,

No. 2:11-cv-2844-KJM-EFB P

vs.

ERIC MANESS, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He requests an extension of time to submit to the court new information about where defendants Kinder and Sahba may be served with process. He also requests appointment of counsel and court assistance in locating new information about where defendants can be served.

District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an attorney to voluntarily to represent such a plaintiff. *See* 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). When determining whether “exceptional circumstances” exist, the court must consider the likelihood of success on the

1 merits as well as the ability of the plaintiff to articulate his claims pro se in light of the  
2 complexity of the legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009).  
3 Having considered those factors, the court finds there are no exceptional circumstances in this  
4 case. The court will however, grant plaintiff the requested extension of time. Plaintiff must  
5 continue in his efforts to locate new information about where defendants may be served. In light  
6 of the extension of time, plaintiff's request for court assistance will be denied, without prejudice.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Plaintiff's request for an extension of time (ECF No. 34) is granted and plaintiff has  
9 60 days from the date this order is served to submit new information about where defendants can  
10 be served with process; and

11 2. Plaintiff's request for counsel and for court assistance (ECF No. 35) is denied without  
12 prejudice.

13 Dated: August 5, 2013.

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15 EDMUND F. BRENNAN  
16 UNITED STATES MAGISTRATE JUDGE  
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