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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 REX CHAPPELL,

12 Plaintiff,

13 v.

14 B. FLEMING, et al.,

15 Defendants.
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No. 2:12-cv-0234 MCE AC P

ORDER

17 Plaintiff is a state prisoner proceeding pro se in this action seeking relief pursuant to 42
18 U.S.C. § 1983. Plaintiff has requested the appointment of counsel. The United States Supreme
19 Court has ruled that district courts lack authority to require counsel to represent indigent prisoners
20 in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain
21 exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to
22 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v.
23 Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find
24 the required exceptional circumstances. Plaintiff's request for the appointment of counsel will
25 therefore be denied.

26 Plaintiff has also filed his second request for an extension of time to oppose the pending
27 motions to dismiss filed by defendants on July 12, 2013, August 15, 2013, and August 23, 2013.
28 Good cause appearing, the request will be granted. No further extensions of time will be granted.

1 IT IS HEREBY ORDERED that:

2 1. Plaintiff's request for the appointment of counsel (ECF No. 60) is denied;

3 2. Plaintiff's request for an extension of time (ECF No. 59) is granted; and

4 3. Plaintiff is granted forty-five days from the date of this order in which to file
5 oppositions to the pending motions to dismiss. No further extensions of time will be granted.

6 DATED: November 6, 2013

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8 ALLISON CLAIRE
9 UNITED STATES MAGISTRATE JUDGE
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