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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MACK A. WEST, Jr.,  
Plaintiff,  
v.  
NOAH DIZON  
Defendant.

No. 2:12-cv-1293 MCE DAD P

ORDER

Plaintiff is a state prisoner proceeding with an action for alleged civil rights violations pursuant to 42 U.S.C. § 1983. He seeks an extension of time in which to file his pretrial statement. Defendant has filed a statement of non-opposition and plaintiff's request for additional time will be granted. Defendant will be granted additional time as well.

Plaintiff has also 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). The court does not find that such exceptional circumstances are presented here. Therefore plaintiff's request for the appointment of counsel will be denied.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for an extension of time in which to file his pretrial statement (ECF No. 121) is granted. Plaintiff has until July 15, 2015, in which to file his pretrial statement.
2. Defendant shall file his pretrial statement no later than August 3, 2015.
3. The pretrial conference (as described in Local Rule 282) is re-set in this case for August 15, 2015, before the magistrate judge. The pretrial conference shall be conducted on the file only, without appearance by either party.
4. Plaintiff's motion for appointment of counsel (ECF No. 124) is denied.
5. This matter remains set for jury trial before the Honorable Morrison C. England, Jr., on January 4, 2016, at 9:00 a.m. in Courtroom 7.

Dated: June 19, 2015

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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