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

KEVIN ALLEN,

Plaintiff,

No. 2:12-cv-1583 AC P

vs.

T. VIRGA, et al.,

Defendants.

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. This case involves a relatively straightforward claim against two defendants for a violation of plaintiff’s First Amendment right to the free exercise of his religion in being denied a kosher diet. Plaintiff states that he is illiterate, dyslexic and has to obtain assistance from other inmates to help him with this case. He complains that he is not receiving enough assistance from the law library in obtaining legal help.

1 These claims do not render plaintiff's circumstances exceptional among indigent inmates
2 proceeding pro se in civil rights actions. Moreover, there is a limited availability of pro bono
3 counsel. Plaintiff's request for the appointment of counsel will therefore be denied.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the
5 appointment of counsel (Docket No. 25) is denied.

6 DATED: April 11, 2013.

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9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE

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