



1 granted extension request deadline. (See ECF No. 57). In light of these facts, as well as the fact  
2 that plaintiff has indicated that the prison lockdown has ended,<sup>1</sup> although this request will be  
3 granted, it is unlikely that no further extensions of time will be.

4 As noted above, Plaintiff has requested the appointment of counsel as well as an  
5 “investigation into plaintiff’s current circumstances.” (See ECF No. 57 at 2). First, the United  
6 States Supreme Court has ruled that district courts lack authority to require counsel to represent  
7 indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298  
8 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of  
9 counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.  
10 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case,  
11 however, the court does not find the required exceptional circumstances. Plaintiff’s request for  
12 the appointment of counsel will therefore be denied.

13 As for plaintiff’s investigation request, the expenditure of public funds on behalf of an  
14 indigent litigant is proper only when authorized by Congress. Tedder v. Odel, 890 F.2d 210 (9th  
15 Cir. 1989). The in forma pauperis statute does not authorize the expenditure of public funds for  
16 investigations. See 28 U.S.C. § 1915. Consequently, plaintiff’s investigation request is denied as  
17 well.

18 Finally, plaintiff has requested: (1) a copy of the docket in this case, and (2) a copy of  
19 defendant’s April 20, 2017 Motion for Summary Judgment, the latter of which, was seized during  
20 a prison cell search. (See ECF No. 57 at 2). In order to facilitate plaintiff’s timely filing of his  
21 opposition, plaintiff’s requests for these documents will be granted.  
22 Accordingly, IT IS HEREBY ORDERED that:

- 23 1. Plaintiff’s August 28, 2017 motion (ECF No. 57) is GRANTED in part and DENIED  
24 in part as follows:
- 25 2. Plaintiff’s request for an extension of time is GRANTED;
- 26 3. Plaintiff is granted thirty days from the date of this order in which to file his opposition

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28 <sup>1</sup> In plaintiff’s second extension request, plaintiff estimated that the lockdown would last  
approximately twenty-one days. (See ECF No. 57 at 1).

1 to defendant's April 20, 2017 Motion for Summary Judgment (ECF No. 53). Any reply shall be  
2 filed and served in accordance with Local Rule 230(l);

3 4. Plaintiff's requests for appointment of counsel and for an investigation into his case are  
4 DENIED, and

5 5. Plaintiff's document requests are GRANTED. The Clerk of Court shall send plaintiff a  
6 copy of the docket as a one-time courtesy. The Clerk shall also send plaintiff a copy of  
7 defendant's April 20, 2017 Motion for Summary Judgment (ECF No. 53).

8 Dated: November 26, 2017

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11 DEBORAH BARNES  
12 UNITED STATES MAGISTRATE JUDGE

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