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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY W. ROBINSON,

Plaintiff,

v.

SAN JOAQUIN COUNTY, et al.,

Defendants.

No. 2:12-cv-02783-MCE-GGH

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 remanding this case to the Eastern District of California the Ninth Circuit Court of Appeals left a very limited issue to be litigated. Preparation of the matter for trial should not require much discovery and what is needed by way of discovery is relatively simple to understand. Thus, in the present case, the court does not find the required exceptional circumstances referred to in Mallard, supra, and plaintiff’s request for the appointment of counsel will therefore be denied.

