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

JESUDAS K. CHACKO,

Plaintiff,

No. 2: 12-cv-2881 MCE JFM (PS)

vs.

CITY OF SACRAMENTO,

Defendant.

ORDER

_____/

Plaintiff filed his complaint pro se on November 28, 2012 against the City of Sacramento and paid the filing fee. He also filed a motion for the appointment of counsel. (See Dkt. No. 2.) He states that he has contacted attorneys to represent him but that they have not gotten back to him. Plaintiff is informed that federal district courts lack authority to require counsel to represent indigent plaintiffs in civil cases. See Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). The court may request the voluntary assistance of counsel under the federal in forma pauperis statute, but only under exceptional circumstances. See 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 this case, plaintiff is not indigent as illustrated by his paying the filing fee. Furthermore, the court does not find exceptional circumstances to appoint counsel. Thus, the

1 motion to appoint counsel will be denied.

2 On January 24, 2013, defendant filed a motion to dismiss for failure to state a
3 claim pursuant to Federal Rule of Civil Procedure 12(b)(6). The motion was noticed for hearing
4 for February 28, 2013 before the undersigned. Local Rule 230(c) provides that opposition to the
5 motion to dismiss needs to be served not less than fourteen days prior to the noticed hearing date.
6 To date, plaintiff has not filed a response in opposition to the motion for dismiss nor filed a
7 statement of non-opposition. Local Rule 110 provides that failure to comply with the Local
8 Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or
9 within the inherent power of the Court.”

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff’s motion for the appointment of counsel (Dkt. No. 2.) is DENIED;
- 12 2. Plaintiff shall serve and file within fourteen (14) days of the date of this order
13 his opposition or his statement of non-opposition to defendant’s motion to dismiss;
- 14 3. Plaintiff’s failure to comply with this order may result in a recommendation of
15 dismissal of this action pursuant Federal Rule of Civil Procedure 41(b); and
- 16 4. The February 28, 2013 hearing on defendant’s motion to dismiss is
17 VACATED in light of this order.

18 DATED: February 20, 2013.

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21 UNITED STATES MAGISTRATE JUDGE

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