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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY DOWNS,
Plaintiff,
v.
CALIFORNIA ATTORNEY GENERAL,
Defendant.

No. 2:12-cv-3057 MCE CKD P

ORDER

On November 15, 2013, plaintiff filed a document in which he makes several requests. First, he requests 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. Plaintiff’s request for the appointment of counsel will therefore be denied.

Plaintiff also seeks an extension of time to file and serve objections to the court’s November 1, 2013 findings and recommendations. Good cause appearing, that request will be granted.

1 Plaintiff seeks transfer to the Sacramento County Jail. However, the court has no
2 authority to enter an order transferring plaintiff to the Sacramento County Jail so that request will
3 be denied.

4 Finally, plaintiff asks that the court hold a hearing, but fails to offer sufficient justification
5 for such a hearing. Because there is no cause to hold a hearing at this point in this case, plaintiff's
6 request will be denied, as will plaintiff's November 27, 2013 request for issuance of a writ of
7 habeas corpus ad testificandum directing the Warden at High Desert State Prison to transport
8 plaintiff to the court for the hearing.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's motion for the appointment of counsel (ECF No. 42) is denied;
- 11 2. Plaintiff's request for an extension of time is granted;
- 12 3. Plaintiff is granted thirty days from the date of this order in which to file and serve
13 objections to the court's November 1, 2013 findings and recommendations;
- 14 4. Plaintiff's request to be transferred to the Sacramento County Jail is denied;
- 15 5. Plaintiff's request that the court hold a hearing is denied; and
- 16 6. Plaintiff's request for issuance of a writ of habeas corpus ad testificandum (ECF No.
17 43) is denied.

18 Dated: December 3, 2013

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21 CAROLYN K. DELANEY
22 UNITED STATES MAGISTRATE JUDGE

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