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

ALONZO JOSEPH,

Plaintiff,

No. 2: 13-cv-0051 JFM (PC)

vs.

J. TELANDER, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 on January 10, 2013. However, a certificate portion of the request which must be completed by plaintiff's institution of incarceration has not been filled out. Also, plaintiff has not filed a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint.<sup>1</sup> See 28 U.S.C. § 1915(a)(2). Plaintiff will be provided the opportunity to submit a completed in forma pauperis application and a certified copy in support of his application.

Plaintiff has also requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent

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<sup>1</sup> The certified copy of plaintiff's prisoner trust account statement is dated July 23, 2012, yet plaintiff filed his complaint on January 10, 2013.

1 indigent prisoners in § 1983 cases. See Mallard v. United States Dist. Court, 490 U.S. 296, 298  
2 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of  
3 counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th  
4 Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case,  
5 the court does not find the required exceptional circumstances. Plaintiff's request for the  
6 appointment of counsel will therefore be denied.

7 In accordance with the above, IT IS HEREBY ORDERED that:

8 1. Plaintiff's motion to appoint counsel (Dkt. No. 3.) is DENIED.

9 2. Within thirty days from the date of this order, plaintiff shall complete the  
10 attached Notice of Submission and submit the following documents to the court:

11 a. A complete Application to Proceed In Forma Pauperis By a Prisoner;

12 and

13 b. a certified copy of plaintiff's prison trust account statement for the six  
14 month period immediately preceding the filing of the complaint.

15 3. The Clerk of the Court is directed to send plaintiff a new Application to  
16 Proceed In Forma Pauperis By a Prisoner; and

17 4. Plaintiff's failure to comply with this order may result in the dismissal of this  
18 action without prejudice.

19 DATED: February 20, 2013.

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22 UNITED STATES MAGISTRATE JUDGE

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

ALONZO JOSEPH,

Plaintiff,

No. 2: 13-cv-0051 JFM (PC)

vs.

J. TELANDER, et al.,

NOTICE OF SUBMISSION

Defendants.

\_\_\_\_\_ /

Plaintiff hereby submits the following document in compliance with the court's  
order filed \_\_\_\_\_:

\_\_\_\_\_

Complete Application to Proceed In Forma Pauperis  
By a Prisoner/Certified Copy of Prison Trust  
Account Statement

DATED:

\_\_\_\_\_  
Plaintiff