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

TERRELL D. HALL,

Plaintiff,

No. 2:13-cv-0324 AC P

vs.

SAN JOAQUIN COUNTY JAIL, et al.,

Defendants.

ORDER

_____/

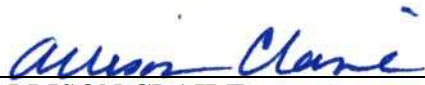
Plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the 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 the present case, the court does not find the required exceptional circumstances. Specifically, on May 22, 2013, the court dismissed plaintiff’s complaint with leave to amend, and, to date, plaintiff has not yet filed an amended complaint. Accordingly, no defendants have appeared in the action, or, indeed, been served. Plaintiff’s request for the appointment of counsel will therefore be denied, because it is

1 premature.

2 Plaintiff has also filed with the court a proposed summons. ECF No. 17. Plaintiff
3 is advised that he is not required to prepare any such documents at this time. If the court orders
4 service, the court will provide plaintiff with the appropriate forms to complete.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's May 7, 2013, request for
6 the appointment of counsel (Docket No. 13) is denied without prejudice to renewal at a later
7 stage in the proceedings.

8 DATED: June 10, 2013

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE

11 AC:rb
12 hall0324.31

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