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7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 E. CHILDS,

No. 2:13-cv-670-TLN-EFB P

11 Plaintiff,

12 v.

ORDER

13 STATE OF CALIFORNIA, et al.,

14 Defendants.
15

16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
17 U.S.C. § 1983. He requests an extension of time to file his pretrial statement pursuant to the
18 court's April 19, 2017 order. ECF No. 118. He also requests again that the court appoint
19 counsel. ECF No. 119. Plaintiff's request for an extension of time will be granted, but his
20 request for the appointment of counsel is denied.

21 As plaintiff has previously informed (*see* ECF Nos. 17, 37, 47, 68, 86, 117), district courts
22 lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v.*
23 *United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may
24 request an attorney to voluntarily to represent such a plaintiff. *See* 28 U.S.C. § 1915(e)(1);
25 *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332,
26 1335-36 (9th Cir. 1990). When determining whether "exceptional circumstances" exist, the court
27 must consider the likelihood of success on the merits as well as the ability of the plaintiff to
28 articulate his claims pro se in light of the complexity of the legal issues involved. *Palmer v.*

1 Valdez, 560 F.3d 965, 970 (9th Cir. 2009). Having once again considered those factors, the court
2 still finds there are no exceptional circumstances in this case.

3 Accordingly, it is ORDERED that:

- 4 1. Plaintiff's request for an extension of time (ECF No. 118) is granted and he has 60
5 days from the date this order is served to file his pretrial statement.
- 6 2. Plaintiff's request for the appointment of counsel (ECF No. 119) is denied.
- 7 3. Plaintiff's request for the court to order defendants to provide him with "a full copy of
8 the whole case" is denied. ECF No. 118 at 2. If plaintiff wishes to obtain any filings
9 from this case in order to prepare his pretrial statement, he must request copies from
10 the Clerk of the Court at 50 cents a page. In forma pauperis status does not waive the
11 cost of copies. *Tedder v. Odel*, 890 F.2d 210 (9th Cir. 1989).

12 So ordered.

13 Dated: May 31, 2017.

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EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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