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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID REYES,	No. 2:14-cv-2711 CKD P
Plaintiff,	
v.	<u>ORDER</u>
A. YOUNG, et al.,	
Defendants.	

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has not, however, filed a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint or obtained the certification required on the application form. See 28 U.S.C. § 1915(a)(2). Plaintiff will be provided the opportunity to submit the completed application and the certified copy in support of his application to proceed in forma pauperis.

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

1 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required
2 exceptional circumstances. Plaintiff's request for the appointment of counsel will therefore be
3 denied.

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

5 1. Plaintiff shall submit, within thirty days from the date of this order, a certified copy of
6 his prison trust account statement for the six month period immediately preceding the filing of the
7 complaint and the certification required on the application form. Plaintiff's failure to comply
8 with this order will result in a recommendation that this action be dismissed without prejudice.

9 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
10 Forma Pauperis By a Prisoner; and

11 3. Plaintiff's motion for appointment of counsel is denied.

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13 Dated: December 2, 2014

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15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE
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