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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 DONALD WILLIAMS,

12 Plaintiff,

13 v.

14 E. BAKER, et al.,

15 Defendants.  
16

No. 2:15-cv-1155 CKD P

ORDER

17 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42  
18 U.S.C. § 1983. Plaintiff has not, however, filed an in forma pauperis affidavit or paid the  
19 required filing fee of \$350.00 plus the \$50.00 administrative fee.<sup>1</sup> See 28 U.S.C. §§ 1914(a),  
20 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in  
21 support of a request to proceed in forma pauperis or to submit the required fees totaling \$400.00.

22 In addition, plaintiff has requested the appointment of counsel. The United States  
23 Supreme Court has ruled that district courts lack authority to require counsel to represent indigent  
24 prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In  
25 certain exceptional circumstances, the court may request the voluntary assistance of counsel  
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27 <sup>1</sup> If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee  
28 but will be allowed to pay it in installments. Litigants proceeding in forma pauperis are not  
required to pay the \$50.00 administrative fee.

1 pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);  
2 Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court  
3 does not find the required exceptional circumstances. Plaintiff's request for the appointment of  
4 counsel will therefore be denied.

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

6 1. Plaintiff shall submit, within thirty days from the date of this order, an affidavit in  
7 support of his request to proceed in forma pauperis on the form provided by the Clerk of Court, or  
8 the required fees in the amount of \$400.00; plaintiff's failure to comply with this order will result  
9 in a recommendation that this action be dismissed;

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

12 3. Plaintiff's motion for the appointment of counsel (ECF No. 2) is denied.

13 Dated: June 2, 2015

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15 CAROLYN K. DELANEY  
16 UNITED STATES MAGISTRATE JUDGE

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