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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS J. GARCIA,
Plaintiff,
v.
BONNIE LEE, et al.,
Defendants.

No. 2:15-cv-1888 MCE CKD P

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. Plaintiff’s request for the appointment of counsel will therefore be denied.

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Plaintiff has also filed a motion stating that, due to a lockdown, he is unable to comply with certain Local Rules. (ECF No. 11.) As it is not clear what relief he is seeking, this motion will be denied. However, plaintiff's First Amended Complaint (ECF No. 13) will be accepted for screening by the court.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff's motion for leave to comply with local rules (ECF No. 11) is denied; and
- 2. Plaintiff's request for the appointment of counsel (ECF No. 12) is denied.

Dated: November 10, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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