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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANNY GEROME YOUNG,
Plaintiff,
v.
RODRIGUEZ, et al.,
Defendants.

No. 2:15-cv-2604 GEB CKD P

ORDER

Plaintiff has requested the appointment of counsel. (ECF No. 39.) 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).


Plaintiff requests appointment of counsel in the event defendants' motion for summary judgment is denied. (ECF No. 39.) Since defendants' motion is still pending, plaintiff's request will be denied as premature. If the motion for summary judgment is denied, plaintiff may renew his motion for appointment of counsel at that time.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the appointment of counsel (ECF No. 39) is denied as premature.

Dated: June 21, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

13/mp; youn2604.31