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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS WAYNE MIZE, SR.,
Plaintiff,
v.
SCOTT KEIRNAN, et al.,
Defendants.

No. 2:16-cv-0699 TLN CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. However, the certificate portion of the request which must be completed by plaintiff's institution of incarceration has not been filled out. Also, plaintiff has not filed a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). Plaintiff will be provided the opportunity to submit a completed in forma pauperis application and a certified copy in support of his application.

In addition, 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

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, a completed
7 affidavit in support of his request to proceed in forma pauperis on the form provided by the Clerk
8 of Court;

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

11 3. Plaintiff shall submit, within thirty days from the date of this order, a certified copy of
12 his prison trust account statement for the six month period immediately preceding the filing of the
13 complaint. Plaintiff's failure to comply with this order will result in a recommendation that this
14 action be dismissed without prejudice; and

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

16 Dated: April 6, 2016



17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE

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