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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS KURT HARDWICK,
Plaintiff,
v.
CALIFORNIA DEPT. OF CORR. AND
REHABILITATION, et al.,
Defendant.

No. 2:16-cv-0854 DB P

ORDER

Plaintiff requests copies of the local rules and of a form for a “request for counsel motion.” Plaintiff is advised that copies of the Federal Rules of Civil Procedure and the Local Rules are available online and should be available to plaintiff in the law library. However, if plaintiff can show good cause why he requires copies of specific rules, the court will consider his request. Plaintiff is also directed to the information provided to him by the court on April 26, 2016 (ECF No. 4) which contains information about pertinent court rules to be followed in this case.

With respect to plaintiff’s request for a motion form, plaintiff is advised that the court does not provide those forms. Plaintiff may be able to find them in the prison law library. However, if plaintiff wishes to make a motion for appointment of counsel, or any other motion, he need not use a form. Plaintiff may make a motion by filing a document that complies with the

1 court's rules, labelling it a "motion for appointment of counsel," and explaining in the document
2 why he feels he is entitled to counsel. Plaintiff is warned that the United States Supreme Court
3 has ruled that district courts lack authority to require counsel to represent indigent prisoners in
4 §1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain
5 exceptional circumstances, the district court may request the voluntary assistance of counsel
6 pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);
7 Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). Therefore, plaintiff must show
8 exceptional circumstances justify any request for counsel.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's April 25, 2016 request (ECF No.
10 3) is denied.

11 DATED: September 9, 2016

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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