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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GLEN MEYERS,
Plaintiff,
v.
COUNTY OF SACRAMENTO, et al.,
Defendants.

No. 2:16-cv-01121 MCE CKD (PS)

ORDER

Plaintiff, a federal prisoner, has requested the appointment of counsel. The undersigned notes that on June 19, 2018, the district judge granted a motion by plaintiff's former counsel to withdraw as counsel of record. (ECF No. 23.) Previously, on November 8, 2017, plaintiff had submitted a proposed substitution of attorney seeking to proceed pro se. (ECF No. 15.)


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 at this time.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to appoint counsel (ECF No. 29) is denied without prejudice to renewal.

Dated: October 3, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

2/meyers1121.counsel