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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER SHANE LANGSTON,
Plaintiff,
v.
ROESSER,
Defendant.

No. 2:16-cv-2362 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.

Plaintiff has also requested an extension of time to file a second amended complaint. Good cause appearing, the request will be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s request for the appointment of counsel (ECF No. 12) is denied;
2. Plaintiff’s motion for an extension of time (ECF No. 12) is granted; and

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3. Plaintiff is granted thirty days from the date of this order in which to file a second amended complaint.

Dated: March 6, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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