

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 JEFFREY K. GOMEZ, ) 1:04-cv-05495-LJO-GSA-PC  
12 Plaintiff, )  
13 v. ) ORDER DENYING REQUEST FOR  
14 ) APPOINTMENT OF COUNSEL  
15 M. KALVELAGE, et al., ) (Doc. 22.)  
16 Defendants. )

18 Plaintiff has requested the appointment of counsel. The United States Supreme Court  
19 has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983  
20 cases. Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298, 109  
21 S.Ct. 1814, 1816 (1989). In certain exceptional circumstances, the court may request the voluntary  
22 assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Rand v. Rowland, 113 F.3d 1520, 1525 (9th  
23 Cir. 1997). Without a reasonable method of securing and compensating counsel, this court will seek  
24 volunteer counsel only in the most serious and exceptional cases.

25 In the present case, the court does not find the required exceptional circumstances. See  
26 Rand, 113 F.3d at 1525. Even if it is assumed that plaintiff is not well versed in the law and that he has  
27 made serious allegations which, if proved, would entitle him to relief, his case is not exceptional. This

1 court is faced with similar cases almost daily. Therefore, plaintiff's request for the appointment of  
2 counsel shall be denied.

3 In accordance with the above, plaintiff's request for the appointment of counsel is  
4 HEREBY DENIED.

5 IT IS SO ORDERED.

6 Dated: January 27, 2009

/s/ Gary S. Austin  
7 UNITED STATES MAGISTRATE JUDGE

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