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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

JAMES JORDAN,

1:07-cv-00202-OWW-MJS (PC)

Plaintiff,

ORDER DENYING REQUEST FOR
APPOINTMENT OF COUNSEL

vs.

R. CHAPNICK,

(ECF No. 47)

Defendant.

/

On July 28, 2010, Plaintiff James Jordan filed a motion seeking the appointment of counsel. Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the Court cannot require an attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989).

In certain exceptional circumstances the Court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525. However, without a reasonable method of securing and compensating counsel, the Court will seek volunteer counsel only in the most serious and exceptional cases. In determining whether “exceptional circumstances exist, the district court must evaluate both the likelihood of success of the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues involved.” Id. (internal quotation marks and citations

1 omitted).

2 In the present case, the Court does not find the required exceptional circumstances.
3 Even if it is assumed that Plaintiff is not well versed in the law and that he has made
4 serious allegations which, if proved, would entitle him to relief, his case is not exceptional.
5 This Court is faced with similar cases almost daily. Although the Court is sympathetic to
6 the medical conditions that limit Plaintiff's ability to prosecute this action, he has performed
7 adequately thus far. Going forward, if Plaintiff finds that additional time is needed to meet
8 any of the Court's deadlines, he is free to ask the Court for an extension.

9 For the foregoing reasons, Plaintiff's Request for Appointment of Counsel is
10 DENIED.

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12 IT IS SO ORDERED.

13 Dated: August 4, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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