

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JOSEPH R. PULLIAM,

Plaintiff,

v.

M. LOZANO, et al.,

Defendants.

Case No. 1:07-cv-964-MJS

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

ECF No. 105

Plaintiff Joseph R. Pulliam (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On September 9, 2013, Plaintiff filed a motion seeking the appointment of counsel. (ECF No. 105.)

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

1 both the likelihood of success of the merits [and] the ability of the [plaintiff] to articulate  
2 his claims pro se in light of the complexity of the legal issues involved.” Id. (internal  
3 quotation marks and citations omitted).

4 In the present case, the Court does not find the required exceptional  
5 circumstances. Even if it is assumed that Plaintiff is not well versed in the law and that  
6 he has made serious allegations which, if proved, would entitle him to relief, his case is  
7 not exceptional. This Court is faced with similar cases almost daily. Further, based on  
8 a review of the record in this case, the Court does not find that Plaintiff cannot  
9 adequately articulate his claims. Id.

10 For the foregoing reasons, Plaintiff’s motion for appointment of counsel is  
11 DENIED, without prejudice.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS SO ORDERED.

Dated: September 24, 2013

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE