

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10 MICHAEL D. HARRISON,
11 Plaintiff,
12 v.
13 D. ADAMS, et al.,
14 Defendant

1:08-cv-01065-AWI-MJS (PC)

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

(Document #225)

16 On February 23, 2015, plaintiff filed a motion seeking the appointment of counsel.
17 Plaintiff does not have a constitutional right to appointed counsel in this action,
18 Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require an
19 attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1), Mallard v. United
20 States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). In
21 certain exceptional circumstances the court may request the voluntary assistance of
22 counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525. However, without a
23 reasonable method of securing and compensating counsel, the court will seek volunteer
24 counsel only in the most serious and exceptional cases. In determining whether
25 “exceptional circumstances exist, the district court must evaluate both the likelihood of
26 success of the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in
27 light of the complexity of the legal issues involved.” Id. (internal quotation marks and
28 citations omitted).

1 In the present case, the court does not find the required exceptional
2 circumstances. Even if it is assumed that plaintiff is not well versed in the law and that he
3 has made serious allegations which, if proved, would entitle him to relief, his case is not
4 exceptional. This court is faced with similar cases almost daily. Further, at this early
5 stage in the proceedings, the court cannot make a determination that plaintiff is likely to
6 succeed on the merits, and based on a review of the record in this case, the court does
7 not find that plaintiff cannot adequately articulate his claims. Id.

8 For the foregoing reasons, plaintiff's motion for the appointment of counsel is
9 HEREBY DENIED, without prejudice.

IT IS SO ORDERED.

Dated: March 16, 2015

/s/ *Michael J. Seng*
UNITED STATES MAGISTRATE JUDGE