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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7

8 MICHAEL ANDRE TODD,
9
10 Plaintiff

11 v.

12 ANTHONY L. HEDGPETH, et al.,
13 Defendants.

CASE No. 1:08-cv-01504-SAB (PC)

ORDER DENYING PLAINTIFF'S
MOTION FOR COUNSEL

(ECF No. 92)

14 Plaintiff Michael Andre Todd ("Plaintiff") is a state prisoner proceeding pro se and in
15 forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action was filed
16 on October 6, 2008. (ECF No. 1.) On August 1, 2013, Plaintiff filed a motion for the appointment
17 of counsel. (ECF No. 92.)

18 Plaintiff does not have a constitutional right to the appointment of counsel in this action.
19 Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009); Storseth v. Spellman, 654 F.2d 1349, 1353
20 (9th Cir. 1981). The Court may request the voluntary assistance of counsel pursuant to 28 U.S.C.
21 § 1915(e)(1), but it will do so only if exceptional circumstances exist. Palmer, 560 F.3d at 970;
22 Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this determination, the
23 Court must evaluate the likelihood of success on the merits and the ability of Plaintiff to articulate
24 his claims pro se in light of the complexity of the legal issues involved. Palmer at 970 (citation
25 and quotation marks omitted); Wilborn, 789 F.2d at 1331. Neither consideration is dispositive and
26 they must be viewed together. Palmer, 560 F.3d at 970 (citation and quotation marks omitted);
27 Wilborn, 789 F.2d at 1331.

28 In the present case, the Court does not find the required exceptional circumstances exist at

1 this time. Even if it is assumed that Plaintiff is not well versed in the law and that he has made
2 serious allegations which, if proved, would entitle him to relief, his case is not exceptional. The
3 Court is faced with similar cases almost daily. Accordingly,

4 IT IS HEREBY ORDERED that Plaintiff's August 1, 2013 motion for the appointment of
5 counsel is DENIED.

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7 IT IS SO ORDERED.

8 Dated: August 8, 2013

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11 UNITED STATES MAGISTRATE JUDGE