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

NICK WOODALL,

1:08-cv-01948-LJO-DLB (PC)

Plaintiff,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

v.

A. RAYGOSA,

(MOTION #132)

Defendant.

_____ /

On May 3, 2012, plaintiff 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). However, in certain exceptional circumstances the Court may request the voluntary assistance of counsel pursuant to § 1915(e)(1). *Rand*, 113 F.3d at 1525.

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 omitted).

1 In the present case, the Court does not find the required exceptional circumstances.
2 Based on a review of the record in this case, the Court does not find that Plaintiff cannot
3 adequately articulate his claims or represent himself in this action. *Id.* Plaintiff contends that he
4 is unable to conduct legal research at the law library to respond to Defendant's motions in limine
5 because of various issues with escort to the law library and access. While the Court is cognizant
6 of these difficulties, appointment of counsel is not warranted. If Plaintiff requires more time to
7 file an opposition, he may file a motion for extension of time. The Court notes that this action is
8 set for jury trial before United States District Judge Lawrence J. O'Neill on May 22, 2012.

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

11 IT IS SO ORDERED.

12 **Dated: May 7, 2012**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE