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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDREW R. LOPEZ,
Plaintiff,
v.
FLOREZ, et al.,
Defendants.

1:08-cv-01975 LJO JLT (PC)
ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(Doc. 192)

Repeatedly, and again on October 24, 2013, plaintiff has filed motions seeking the appointment of counsel. As the Court has iterated again and again, 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, 109 S.Ct. 1814, 1816 (1989). Only in certain exceptional circumstances may the court may request the voluntary assistance of counsel pursuant to section 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

1 complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).

2 Once again, the court does not find the required exceptional circumstances. Even if it is
3 assumed that plaintiff is not well versed in the law and that he has made serious allegations
4 which, if proved, would entitle him to relief, his case is not exceptional. Moreover, plaintiff has
5 demonstrated his ability to represent himself adequately in this matter given the Court has
6 recently recommended that summary judgment be granted in his favor.

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

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10 IT IS SO ORDERED.

11 Dated: November 4, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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