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6 **UNITED STATES DISTRICT COURT**
78 EASTERN DISTRICT OF CALIFORNIA
910 GREGORY NORWOOD, CASE NO. 1:09-cv-00690-AWI-GSA PC
11 Plaintiff, ORDER DENYING MOTION FOR
12 v. APPOINTMENT OF COUNSEL
13 SUZAN HUBBARD, et al., (Doc. 1)
14 Defendants.
15 /16 Included with Plaintiff's complaint is a motion seeking the appointment of counsel. Plaintiff
17 does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d
18 1520, 1525 (9th Cir. 1997), and the Court cannot require an attorney to represent plaintiff pursuant
19 to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa,
20 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in certain exceptional circumstances the
21 Court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113
22 F.3d at 1525.23 Without a reasonable method of securing and compensating counsel, the Court will seek
24 volunteer 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 success of
26 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).27 In the present case, the Court does not find the required exceptional circumstances. First, in
28 a Findings and Recommendations issued concurrently with this order, the Court found that Plaintiff

1 failed to state a claim upon which relief may be granted and that Plaintiff 's claim was frivolous.
2 Id. Second, Plaintiff is able to adequately articulate his claims. Id. Therefore, Plaintiff's motion for
3 the appointment of counsel is HEREBY DENIED.

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6 IT IS SO ORDERED.

7 Dated: September 11, 2009

/s/ Gary S. Austin

8 UNITED STATES MAGISTRATE JUDGE

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