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8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 LYNETTE REID,

1:09-cv-01200-AWI-MJS (PC)

12 Plaintiff,

13 vs.

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

14 PUBLIC SAFETY CENTER, et al,

(ECF No. 29)

15 Defendants.  
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17 Plaintiff Lynette Reid ("Plaintiff") is a former state prisoner proceeding pro se in this  
18 civil rights action pursuant to 42 U.S.C. § 1983. On November 14, 2011, Plaintiff filed a  
19 motion seeking the appointment of counsel. (Mot., ECF No. 29.)

20 Plaintiff does not have a constitutional right to appointed counsel in this action, Rand  
21 v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the Court cannot require an attorney  
22 to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District  
23 Court for the Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989).

24 In certain exceptional circumstances the Court may request the voluntary assistance  
25 of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525. However, without a  
26 reasonable method of securing and compensating counsel, the Court will seek volunteer  
27 counsel only in the most serious and exceptional cases. In determining whether  
28 "exceptional circumstances exist, the district court must evaluate both the likelihood of

1 success of the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light  
2 of the complexity of the legal issues involved.” Id. (internal quotation marks and citations  
3 omitted).

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

11 For the foregoing reasons, Plaintiff’s Motion to Appointment Counsel is DENIED,  
12 without prejudice.

13  
14 IT IS SO ORDERED.

15 Dated: November 20, 2011

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE