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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT EARL SAMUELS,

1:09-cv-01320 AWI DLB (PC)

12 Plaintiff,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

13 v.

14 G. ADAME, et al.,

(ECF No. 68)

15 Defendants.
16 _____/

17 On October 11, 2012, plaintiff filed a motion seeking the appointment of counsel.
18 Plaintiff does not have a constitutional right to appointed counsel in this action, *Rand v.*
19 *Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require an attorney to
20 represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). *Mallard v. United States District Court*
21 *for the Southern District of Iowa*, 490 U.S. 296, 298 (1989). However, in certain exceptional
22 circumstances the court may request the voluntary assistance of counsel pursuant to section
23 1915(e)(1). *Rand*, 113 F.3d at 1525.

24 Without a reasonable method of securing and compensating counsel, the court will seek
25 volunteer counsel only in the most serious and exceptional cases. In determining whether
26 “exceptional circumstances exist, the district court must evaluate both the likelihood of success
27 of the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the
28 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. Even
2 if it is assumed that plaintiff is not well versed in the law and that he has made serious allegations
3 which, if proved, would entitle him to relief, his case is not exceptional. This court is faced with
4 similar cases almost daily. Further, based on a review of the record in this case, the court does
5 not find that plaintiff cannot adequately articulate his claims. *Id.*

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

8 IT IS SO ORDERED.

9 **Dated: November 28, 2012**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE