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

BILAL AHDOM,

1:09-cv-01874-AWI-BAM-(PC)

Plaintiff,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

vs.

S. LOPEZ, et al.,

(ECF No. 60)

Defendants.

_____ /

On September 17, 2012, Plaintiff Bilal Ahdom (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed a motion for appointment of counsel. (ECF No. 47.) On September 19, 2012, the Court denied Plaintiff’s motion, finding that exceptional circumstances did not exist to appoint counsel. (ECF No. 50.) On January 2, 2013, Plaintiff filed a second motion seeking the appointment of counsel. (ECF No. 60.)

As previously explained, 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). However, in certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

In determining whether “exceptional circumstances exist, the district court must evaluate

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

4 The Court finds that exceptional circumstances do no exist in this matter. Although
5 Plaintiff is concerned that there are multiple defendants represented by multiple attorneys, this
6 does not render his case exceptional. This Court is faced with similar cases almost daily.
7 Moreover, at this stage in the proceedings, the Court cannot make a determination that Plaintiff is
8 likely to succeed on the merits, and based on a review of the record in this case, the Court does
9 not find that plaintiff cannot adequately articulate his claims. Id.

10 For these reasons, Plaintiff’s second motion for the appointment of counsel is HEREBY
11 DENIED without prejudice.

12 IT IS SO ORDERED.

13 **Dated: January 24, 2013**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE