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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DOUGAL SAMUELS,  
Plaintiff,  
v.  
PAM AHLIN, et al.,  
Defendants.

1:10-cv-00585-GSA (PC)  
  
ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL  
  
(Document# 27)

On November 20, 2014, plaintiff filed a motion seeking the appointment of counsel. 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.

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 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. At this  
2 early stage in the proceedings, the court cannot make a determination that plaintiff is likely to  
3 succeed on the merits. Plaintiff has submitted a second amended complaint with his service  
4 documents, and the second amended complaint awaits screening by the court. (Docs. 25, 26.)  
5 Until the second amended complaint is screened and the court finds that Plaintiff states  
6 cognizable claims, service of process shall not be initiated upon the defendants. The law  
7 concerning Plaintiff's claim for denial of safe conditions is not complex. Plaintiff argues that he  
8 cannot afford counsel, is not knowledgeable about the law, and has been depending on a jailhouse  
9 lawyer for assistance. While these conditions make litigation challenging, they do not amount to  
10 exceptional circumstances under the law. The court is faced with similar cases daily. Therefore,  
11 Plaintiff's motion shall be denied without prejudice to renewal of the motion at a later stage of the  
12 proceedings.

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

15 IT IS SO ORDERED.

16 Dated: November 25, 2014

/s/ Gary S. Austin  
17 UNITED STATES MAGISTRATE JUDGE