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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CECILIA FRAHER,
Plaintiff,
v.
HEYNE, et al,
Defendant.

1:10-cv-000951-LJO-MJS (PC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(ECF No. 75)

Plaintiff Cecilia Fraher (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On April 7, 2014, Plaintiff filed a motion seeking the appointment of counsel. (ECF No. 75.)

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 (1989).

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. However, 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

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

4 In the present case, the Court does not find the required exceptional
5 circumstances. Even if it is assumed that Plaintiff is not well versed in the law and that
6 she has made serious allegations which, if proved, would entitle her to relief, her case is
7 not exceptional. This Court is faced with similar cases almost daily. Based on a review
8 of the record in this case, the Court does not find that Plaintiff cannot adequately
9 articulate her claims.

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

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IT IS SO ORDERED.

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Dated: April 28, 2014

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1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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