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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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9 RICHARD JACKSON,

CASE NO. 1:10-cv-01129-SKO PC

10 Plaintiff,

ORDER DENYING MOTION FOR COUNSEL

11 v.

(Doc. 66)

12 MIKE PALOMBO, et al.,

13 Defendants.
14 _____/

15 Plaintiff Richard Jackson, a state prisoner proceeding pro se and in forma pauperis, filed this
16 civil rights action pursuant to 42 U.S.C. § 1983 on June 23, 2010. On October 11, 2012, Plaintiff
17 filed a motion requesting the appointment of counsel.

18 Plaintiff does not have a constitutional right to the appointment of counsel in this action.
19 Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009); Storseth v. Spellman, 654 F.2d 1349, 1353 (9th
20 Cir. 1981). The Court may request the voluntary assistance of counsel pursuant to 28 U.S.C. §
21 1915(e)(1), but it will do so only if exceptional circumstances exist. Palmer, 560 F.3d at 970;
22 Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this determination, the
23 Court must evaluate the likelihood of success on the merits and the ability of Plaintiff to articulate
24 his claims *pro se* in light of the complexity of the legal issues involved. Palmer, 560 F.3d at 970
25 (citation and quotation marks omitted); Wilborn, 789 F.2d at 1331. Neither consideration is
26 dispositive and they must be viewed together. Palmer, 560 F.3d at 970 (citation and quotation marks
27 omitted); Wilborn 789 F.2d at 1331.
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1 In the present case, the Court does not find the required exceptional circumstances. Even if
2 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. The Court is faced with
4 similar cases almost daily. Further, at this stage in the proceedings, the Court cannot make a
5 determination that Plaintiff is likely to succeed on the merits, and based on a review of the record
6 in this case, the Court does not find that Plaintiff cannot adequately articulate his claims. Id.

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

9
10 IT IS SO ORDERED.

11 **Dated: December 10, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE