3 UNITED STATES DISTRICT COURT	
EASTERN DISTRICT OF CALIFORNIA	
TIMOTHY HOWARD,	1:10-cv-01783-AWI-DLB (PC)
Plaintiff,	ORDER DENYING MOTION FOR
v.	APPOINTMENT OF COUNSEL
J. WANG, et al.,	(Documents 51 and 52)
Defendant.	
On September 25, 2013, Plaintiff filed a motion seeking the appointment of counsel.	
Plaintiff does not have a constitutional right to appointed counsel in this action, <u>Rand v. Rowland</u> ,	
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 req	uest the voluntary assistance of counsel pursuant to
section 1915(e)(1). <u>Rand</u> , 113 F.3d at 1525.	
Without a reasonable method of secur	ring and compensating counsel, the court will seek
volunteer counsel only in the most serious an	d 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	
complexity of the legal issues involved." <u>Id</u> .	(internal quotation marks and citations omitted). 1
	EASTERN DIST TIMOTHY HOWARD, Plaintiff, v. J. WANG, et al., Defendant. On September 25, 2013, Plaintiff filed Plaintiff does not have a constitutional right to 113 F.3d 1520, 1525 (9th Cir. 1997), and the plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Southern District of Iowa, 490 U.S. 296, 298 exceptional circumstances, the court may req section 1915(e)(1). <u>Rand</u> , 113 F.3d at 1525. Without a reasonable method of secur volunteer counsel only in the most serious an "exceptional circumstances exist, the district of the merits [and] the ability of the [plaintiff

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, 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	To the extent that Plaintiff seeks counsel to alleviate discovery issues involving	
8	Defendants, he may request additional time from the Court or file motions to compel, if	
9	necessary. Insofar as Plaintiff contends that he is being denied access to the law library and/or	
10	legal copies by the prison, he may seek injunctive relief pursuant to the All Writs Act, 28 U.S.C.	
11	§ 1651(a).	
12	For the foregoing reasons, Plaintiff's motion for the appointment of counsel is HEREBY	
13	DENIED, without prejudice.	
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18	IT IS SO ORDERED.	
19	Dated: October 2, 2013 /s/ Dennis L. Beck	
20	UNITED STATES MAGISTRATE JUDGE	
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