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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CARLOS VILLEGAS,  
Plaintiff,  
v.  
MATHEW CATE, et al.,  
Defendants.

Case No. 1:10-cv-01917-SKO (PC)  
ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL  
(Doc. 64)

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Plaintiff Carlos Villegas, a prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 14, 2010. This action is proceeding on Plaintiff's amended complaint against Defendant Neubarth for acting with deliberate indifference to Plaintiff's serious medical needs, in violation of the Eighth Amendment of the United States Constitution.

On March 16, 2015, Plaintiff filed a motion seeking the appointment of counsel. Plaintiff does not have a constitutional right to the appointment of counsel in this action. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009); *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). The Court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1), but it will do so only if exceptional circumstances exist. *Palmer*, 560 F.3d at 970; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this determination, the Court must evaluate the likelihood of success on the merits and the ability of Plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Palmer*, 560 F.3d at 970 (citation

1 and quotation marks omitted); *Wilborn*, 789 F.2d at 1331. Neither consideration is dispositive and  
2 they must be viewed together. *Palmer*, 560 F.3d at 970 (citation and quotation marks omitted);  
3 *Wilborn* 789 F.2d at 1331.

4 In the present case, the Court does not find the required exceptional circumstances. Even  
5 if it is assumed that Plaintiff is not well versed in the law and that he has made serious allegations  
6 which, if proved, would entitle him to relief, his case is not exceptional. The Court is faced with  
7 similar cases almost daily. Further, at this stage in the proceedings, the Court cannot make a  
8 determination that Plaintiff is likely to succeed on the merits, and based on a review of the record  
9 in this case, the Court does not find that Plaintiff cannot adequately articulate his claims. *Palmer*,  
10 560 F.3d at 970. Plaintiff should contact the appropriate prison employee, such as his counselor,  
11 to discuss the available options regarding litigation assistance given his current housing status.

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

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15 IT IS SO ORDERED.

16 Dated: March 19, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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