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8	IN THE UNITED STATES DISTRICT COURT FOR THE		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	ABDELKADER MORCELI,	1:11-cv-685 AWI BAM (PC)	
12	Plaintiff,	ORDER DENYING MOTION FOR	
13	VS.	APPOINTMENT OF COUNSEL	
14	W. MEYERS, et al.,	(ECF No. 19)	
15	Defendants.	(ECF NO. 19)	
16	/		
17	On August 10, 2012, plaintiff filed a motion seeking the appointment of counsel.		
18	Plaintiff does not have a constitutional right to appointed counsel in this action, <u>Rand v.</u>		
19	Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require an attorney to		
20	represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court		
21	for the Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in		
22	certain exceptional circumstances the court may request the voluntary assistance of counsel		
23	pursuant to section 1915(e)(1). <u>Rand</u> , 113 F.3d at 1525.		
24	Without a reasonable method of securing and compensating counsel, the court		
25	will seek volunteer counsel only in the most serious and exceptional cases. In determining		
26	whether "exceptional circumstances exist, the district court must evaluate both the likelihood of		
27	success of the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of		
28	the complexity of the legal issues involved." Id. (internal quotation marks and citations omitted).		
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1	In the present case, the court does not find the required exceptional circumstances	
2	exist to entitle plaintiff to appointment of counsel. Even if it is assumed that plaintiff is not well	
3	versed in the law and that he has made serious allegations which, if proved, would entitle him to	
4	relief, his case is not exceptional. This court is faced with similar cases almost daily. Further, at	
5	this early stage in the proceedings, the court cannot make a determination that plaintiff is likely	
6	to succeed on the merits of his claim. Finally, based on a review of the record in this case,	
7	although Plaintiff alleges that he does not speak, write, understand, or comprehend English, the	
8	court does not find that plaintiff cannot adequately articulate his claims. <u>Id</u> . Plaintiff has filed a	
9	complaint that states a claim and the assistance he is receiving in prison seems adequate to allow	
10	him to proceed at this stage of the ligation.	
11	For the foregoing reasons, plaintiff's motion for the appointment of counsel is	
12	HEREBY DENIED, without prejudice.	
13	IT IS SO ORDERED.	
14	Dated:August 14, 2012/s/ Barbara A. McAuliffeUNITED STATES MAGISTRATE JUDGE	
15	UNITED STATES WADISTRATE JODGE	
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