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

MICHAEL PIAZZA,	)	11-cv-01536-AWI-BAM
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S MOTION
	)	FOR APPOINTMENT OF COUNSEL
v.	)	
D.R. BRACKETT, DEREK PERRY,	)	
	)	
Defendants.	)	

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**INTRODUCTION**

Plaintiff Michael Piazza is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to Title 42 of the United States Code section 1983. On October 31, 2011, Plaintiff filed a motion seeking the appointment of counsel. (Doc. 7.)

**DISCUSSION**

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 Title 28 of the United States Code section 1915(e)(1). *Mallard v. United States District Court for the Southern District of Iowa*, 490 U.S. 296, 298, 109 S.Ct.

1 1814, 1816 (1989). In certain exceptional circumstances, however, the Court may request the  
2 voluntary assistance of counsel pursuant to section 1915(e)(1). *Rand v. Rowland*, 113 F.3d 1520,  
3 1525 (9th Cir. 1997). In determining whether "exceptional circumstances exist, the district court  
4 must evaluate both the likelihood of success of the merits [and] the ability of the [plaintiff] to  
5 articulate his claims pro se in light of the complexity of the legal issues involved." *Id.* (internal  
6 quotations & citations omitted).

7 In the present case, the Court does not find the required exceptional circumstances. Even  
8 if it is assumed that Plaintiff is not well versed in the law and that he has made serious  
9 allegations which, if proved, would entitle him to relief, his case is not exceptional. The Court is  
10 faced with similar cases almost daily. Further, at this early stage in the proceedings, the Court  
11 cannot make a determination that Plaintiff is likely to succeed on the merits, and based on a  
12 review of the record in this case, the Court does not find that Plaintiff cannot adequately  
13 articulate his claims.

14 **CONCLUSION**

15 For the reasons set forth above, Plaintiff's motion for the appointment of counsel is  
16 hereby DENIED.

17 IT IS SO ORDERED.

18 **Dated: November 7, 2011**

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE