

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,
Plaintiff,
vs.
CORCORAN PRISON - CDCR, et al,
Defendants.

1:11-cv-01565-LJO-DLB (PC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(Document 59)

On July 24, 2013, Plaintiff filed a motion seeking the appointment of counsel. 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 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 request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

Without a reasonable method of securing and compensating counsel, the court will seek volunteer counsel only in the most serious and 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] to articulate his claims *pro se* in light of the complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).

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
3 allegations which, if proved, would entitle him to relief, his case is not exceptional. This court is
4 faced with similar cases almost daily. Further, there has been no indication that Plaintiff cannot
5 adequately articulate his claims. Id.

6 In an abundance of caution, the Court contacted the Litigation Coordinator at Corcoran
7 State Prison because of Plaintiff's claims that he was homicidal and suicidal. There appears to
8 be no safety or security concerns, and there is no indication that Plaintiff's situation has changed
9 during the course of these proceedings.

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

12
13
14 IT IS SO ORDERED.

15 **Dated: July 26, 2013**

16 /s/ Dennis L. Beck
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28