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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,
Plaintiff,
v.
CORCORAN PRISON-CDCR, et al.,
Defendant.

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

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL WITHOUT
PREJUDICE

(Document# 82)

On November 18, 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 This action is currently set for trial on January 7, 2014. According to Plaintiff's motion,
2 he has been transferred to the California Medical Facility and is under Court-ordered mental
3 health treatment. He is being treated with "anti-psych" medication and cannot have his property,
4 or a pen, in his cell. As a result, Plaintiff states that he cannot represent himself at the upcoming
5 trial.

6 **The Court will not consider Plaintiff's motion absent medical records or a**
7 **declaration on the issue of competence.** Plaintiff may file any such information under seal.

8 Accordingly, the Court DENIES Plaintiff's motion WITHOUT PREJUDICE.
9 An inmate helped Plaintiff with the preparation of the motion.

10
11 IT IS SO ORDERED.

12
13 Dated: November 19, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE