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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IMELDA CAPUTI,

Plaintiff,

v.

FRESNO COUNTY SUPERIOR COURT,

Defendants.

) 11-cv-01579-AWI-BAM

) ORDER DENYING PLAINTIFF’S MOTION
) FOR APPOINTMENT OF COUNSEL

INTRODUCTION

Plaintiff Imelda Caputi, proceeding pro se and in forma pauperis, has alleged claims against Defendant Fresno County Superior Court, claiming wrongful termination, age discrimination and Title VII violations. On October 31, 2011, Plaintiff filed a document which inquired as to whether the Court has “any help or free attorney to assist people like [Plaintiff].” (Doc. 7.) The Court has taken this submission as a Motion to Appoint Counsel.

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

1 represent plaintiff pursuant to Title 28 of the United States Code section 1915(e)(1). *Mallard v.*
2 *United States District Court for the Southern District of Iowa*, 490 U.S. 296, 298, 109 S.Ct.
3 1814, 1816 (1989). In certain exceptional circumstances, however, the Court may request the
4 voluntary assistance of counsel pursuant to section 1915(e)(1). *Rand v. Rowland*, 113 F.3d 1520,
5 1525 (9th Cir. 1997). In determining whether "exceptional circumstances exist, the district court
6 must evaluate both the likelihood of success on the merits [and] the ability of the [plaintiff] to
7 articulate his claims pro se in light of the complexity of the legal issues involved." *Id.* (internal
8 quotations & citations omitted).

9 In the present case, the Court does not find the required exceptional circumstances. Even
10 if it is assumed that Plaintiff is not well versed in the law and that she has made serious
11 allegations which, if proved, would entitle her to relief, her case is neither exceptional nor overly
12 complex. As Plaintiff's Complaint was dismissed with leave to amend on October 18, 2011, the
13 Court does not find, at this time, that there is a likelihood of success on the merits. (Doc. 6.)
14 Furthermore, because the nature of Plaintiff's claims do not appear to be overly complex, the
15 Court does not find it would be unreasonably difficult for Plaintiff to articulate her claims.

16 CONCLUSION

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

19 Plaintiff is required to file her amended complaint pursuant to the Court's October 18,
20 2011 Order. Failure to comply with the Court's Order will result in a recommendation that the
21 case be dismissed.

22 IT IS SO ORDERED.

23 **Dated: November 16, 2011**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE