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

LARRY SINGLETON, SR., ) Case No.: 1:12cv00043 AWI DLB (PC)  
 )  
Plaintiff, ) ORDER DENYING PLAINTIFF’S MOTION FOR  
v. ) APPOINTMENT OF COUNSEL WITHOUT  
 ) PREJUDICE  
M.D. BITER, et al., )  
 ) (Document 26)  
Defendants. )  
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Plaintiff Larry Singleton, Sr. (“Plaintiff”) is a California state prisoner. He is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The action is proceeding on Plaintiff’s Eighth Amendment claim against Defendants M. D. Biter and Sherri Lopez.

On November 1, 2013, Plaintiff filed a motion for the appointment of counsel.

Plaintiff does not have a constitutional right to the appointment of counsel in this action. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009); *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). The Court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1), but it will do so only if exceptional circumstances exist. *Palmer*, 560 F.3d at 970; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this determination, the Court must evaluate the likelihood of success on the merits and the ability of Plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *Palmer*, 560 F.3d at 970 (citation and

1 quotation marks omitted); *Wilborn*, 789 F.2d at 1331. Neither consideration is dispositive and they  
2 must be viewed together. *Palmer*, 560 F.3d at 970 (citation and quotation marks omitted); *Wilborn*  
3 789 F.2d at 1331.

4 In the present case, the Court does not find the required exceptional circumstances. Even if it  
5 is assumed that Plaintiff is not well versed in the law and that he has made serious allegations which, if  
6 proved, would entitle him to relief, his case is not exceptional. The Court is faced with similar cases  
7 almost daily. Moreover, at this stage of the proceedings, there is no indication that Plaintiff is unable  
8 to articulate his claims.

9 Therefore, Plaintiff's request for the appointment of counsel is HEREBY DENIED WITHOUT  
10 PREJUDICE.

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14 IT IS SO ORDERED.

15 Dated: January 2, 2014

/s/ Dennis L. Beck  
16 UNITED STATES MAGISTRATE JUDGE  
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