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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHAWN PATRICK GREENBLATT, Plaintiff, v. DR. I. PATEL, et al., Defendants.	Case No. 1:12-cv-00046-SKO PC ORDER DENYING MOTION FOR APPOINTMENT OF ANOTHER ATTORNEY (Doc. 37)
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Plaintiff Shawn Patrick Greenblatt, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 10, 2012. On January 7, 2013, the Court appointed an attorney to represent Plaintiff for the limited purpose of identifying the Doe defendants named in his complaint and filing an amended complaint. Voluntary counsel Sarita Ordonez completed her limited appointment obligation on September 6, 2013, and on September 24, 2013, the Court relieved her of the appointment.¹

Pending before the Court is Plaintiff’s motion seeking the appointment of another attorney to represent him for further proceedings, filed on August 23, 2013.

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.

¹ Plaintiff’s amended complaint will be screened in due course. 28 U.S.C. § 1915A.

1 § 1915(e)(1), but it will do so only if exceptional circumstances exist. *Palmer*, 560 F.3d at 970;
2 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this determination, the
3 Court must evaluate the likelihood of success on the merits and the ability of Plaintiff to articulate
4 his claims *pro se* in light of the complexity of the legal issues involved. *Palmer*, 560 F.3d at 970
5 (citation and quotation marks omitted); *Wilborn*, 789 F.2d at 1331. Neither consideration is
6 dispositive and they must be viewed together. *Palmer*, 560 F.3d at 970 (citation and quotation
7 marks omitted); *Wilborn* 789 F.2d at 1331.

8 In the present case, the Court does not find the required exceptional circumstances. Even
9 if it is assumed that Plaintiff is not well versed in the law and that he has made serious allegations
10 which, if proved, would entitle him to relief, his case is not exceptional. The Court is faced with
11 similar cases almost daily. Further, at this early stage in the proceedings, the Court cannot make a
12 determination that Plaintiff is likely to succeed on the merits, and based on a review of the record
13 in this case, the Court does not find that Plaintiff cannot adequately articulate his claims. *Palmer*,
14 560 F.3d at 970.

15 While the Court recognizes that Plaintiff is at a disadvantage due to his *pro se* status and
16 his incarceration, the test is not whether Plaintiff would benefit from the appointment of counsel.
17 *See Wilborn*, 789 F.2d at 1331 (“Most actions require development of further facts during
18 litigation and a *pro se* litigant will seldom be in a position to investigate easily the facts necessary
19 to support the case.”) The test is whether exceptional circumstances exist and here, they do not.

20 Accordingly, Plaintiff’s motion for the appointment of another attorney to represent him
21 for further proceedings is HEREBY DENIED.

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IT IS SO ORDERED.

24 Dated: September 24, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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