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

GARY WILLIAMS,)	Case No.: 1:12-cv-00786-AWI-SAB (PC)
Plaintiff,)	
v.)	ORDER DENYING PLAINTIFF’S MOTION FOR APPOINTMENT OF COUNSEL, WITHOUT PREJUDICE
S. STEGLINSKI, et. al.,)	(ECF No. 49)
Defendants.)	
)	
)	
)	

Plaintiff Gary Williams is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 2, 2014, Plaintiff filed a motion seeking 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 at 970 (citation and quotation marks omitted); Wilborn, 789 F.2d at 1331. Neither consideration is dispositive and they must be viewed together. Palmer, 560 F.3d at 970 (citation and quotation marks omitted); Wilborn, 789 F.2d at 1331.

1 In the present case, the Court does not find the required exceptional circumstances exist at this
2 time. Even 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. The Court is faced
4 with similar cases almost daily. The fact that Plaintiff is proceeding pro se and in forma pauperis
5 does not warrant "exceptional" circumstances to justify appointment of counsel. In addition,
6 circumstances common to most prisoners, such as lack of legal education and limited law library
7 access, do not establish exceptional circumstances that warrant a request for voluntary assistance of
8 counsel.

9 Accordingly,

10 IT IS HEREBY ORDERED that Plaintiff's September 2, 2014, motion for the appointment of
11 counsel is DENIED, without prejudice.

12
13 IT IS SO ORDERED.

14 Dated: September 5, 2014



UNITED STATES MAGISTRATE JUDGE