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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JOSEPH RAYMOND MCCOY,) Case No.: 1:12-cv-000983-AWI-SAB (PC)
12	Plaintiff,))) ORDER DENYING PLAINTIFF'S SEVENTH
13	v.	MOTION FOR APPOINTMENT OF COUNSEL, AND GRANTING FOURTH MOTION FOR
14	STRONACH, et al.,) EXTENSION OF TIME TO FILE OBJECTIONS
15	Defendants.) (ECF Nos. 287, 288)
16		<u>(</u>)
17	Plaintiff Joseph Raymond McCoy is appearing <i>pro se</i> and <i>in forma pauperis</i> in this civil rights	
18	action pursuant to 42 U.S.C. § 1983.	
19	On July 9, 2021, Plaintiff filed a motion for appointment of counsel, and fourth motion for	
20	extension of time to file objections to the pending Findings and Recommendations.	
21	As Plaintiff is well aware, he does not have a constitutional right to appointed counsel in this	
22	action, <u>Rand v. Rowland</u> , 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require any	
23	attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District	
24	Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). However, in certain exceptional	
25	circumstances the court may request the voluntary assistance of counsel pursuant to section	
26	1915(e)(1). <u>Rand</u> , 113 F.3d at 1525.	
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1	Without a reasonable method of securing and compensating counsel, the Court will seek	
2	volunteer counsel only in the most serious and exceptional cases. In determining whether	
3	"exceptional circumstances exist, the district court must evaluate both the likelihood of success on the	
4	merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the	
5	legal issues involved." Id. (internal quotation marks and citations omitted).	
6	In the present case, the Court does not find the required exceptional circumstances. On	
7	February 5, 2021, the undersigned issued Findings and Recommendations recommending judgment be	
8	entered in favor of Defendants. (ECF No. 280.) Accordingly, Plaintiff has not and cannot	
9	demonstrate that he is likely to proceed on the merits of the case, and based on a review of the record	
10	in this case, Plaintiff can adequately articulate his claims to enable him to file objections to the	
11	Findings and Recommendations. Accordingly, Plaintiff's motion for appointment of counsel must be	
12	denied. However, on the basis of good cause, the Court will grant Plaintiff's motion for extension of	
13	time to file objections to the pending Findings and Recommendations.	
14	Accordingly, it is HEREBY ORDERED that:	
15	1. Plaintiff's motion for appointment of counsel is denied; and	
16	2. Plaintiff is granted thirty (30) days from the date of service of this order to file	
17	objections.	
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19	IT IS SO ORDERED.	
20	Dated: July 12, 2021	
21	UNITED STATES MAGISTRATE JUDGE	
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