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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY TODD,  
Plaintiff,  
v.  
THOMPSON, et al.,  
Defendants.

No. 1:12-cv-01003 DAD DLB PC  
ORDER DENYING PLAINTIFF’S  
MOTION FOR COUNSEL  
(Document 58)

Plaintiff Michael Anthony Todd (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. He filed a motion for the appointment of counsel on July 8, 2016.

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 quotation marks omitted); *Wilborn*, 789 F.2d at 1331. Neither consideration is

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1 dispositive and they must be viewed together. *Palmer*, 560 F.3d at 970 (citation and quotation  
2 marks omitted); *Wilborn* 789 F.2d at 1331.

3 In the present case, the Court does not find the required exceptional circumstances. Even  
4 if it is assumed that Plaintiff is not well versed in the law and that he has made serious allegations  
5 which, if proved, would entitle him to relief, his case is not exceptional. The Court is faced with  
6 similar cases almost daily. Therefore, Plaintiff's request for the appointment of counsel is  
7 **HEREBY DENIED.**

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10 **IT IS SO ORDERED.**

11 Dated: **July 13, 2016**

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

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