

1 of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525. Exceptional circumstances exist
2 when there is “the likelihood of success of the merits [and] the [in]ability of the [plaintiff] to articulate
3 his claims *pro se* in light of the complexity of the legal issues involved.” Id. (internal quotation marks
4 and citations omitted).

5 As noted in the Court’s order dated March 6, 2013, the Court does not find the required
6 exceptional circumstances, at least at this time. Every day the Court is confronted with cases raising
7 serious allegations by inmates who are not well-versed in the law, have minimal formal education and
8 who must rely upon the assistance of other inmates when drafting pleadings and other case-related
9 documents. Unfortunately, though the Court does not discount in any fashion the importance of
10 Plaintiff’s case, it simply is not exceptional. Moreover, as noted by the Court before, at this early
11 stage in the proceedings, the Court cannot determine whether Plaintiff is likely to succeed on the
12 merits. Based on a review of the record in this case, especially the documents Plaintiff filed in support
13 of this motion, the Court finds that Plaintiff has been able to adequately articulate his claims. (Id.)
14 Plaintiff’s request for appointment of counsel is **DENIED**.

15 **B. Appointment of Director-Private Investigator for ADA Disability.**

16 28 U.S.C. § 1915 determines the Courts’ authority to grant or deny Plaintiff’s present motion.
17 No public funds may be expended on behalf of an indigent litigant where Congress has not authorized
18 such expenditure. Strain v. Sandham, No. CIV S-05-0474 GEB GGH P, 2007WL3231712*2 (E.D.Cal.
19 2007)(*citing* Tedder v. Odel, 890 F.2d 210 (9th Cir. 1989)). 28 U.S.C. § 1915 does not authorize use of
20 public funds for an investigator. *See* 28 U.S.C. § 1915; Strain, 2007 WL at *2. While the Court notes
21 that Title II of the ADA, 42 U.S.C.A. § 12132, applies to inmates within state prisons, Williams v.
22 Schwarzenegger, No. 1:09-cv-00131-GSA-PC, 2009 WL 900049 *7 (E.D.Cal. 2009), the Court finds
23 no authority from Congress that would permit the Court to appoint a “director-private investigator for
24 ADA disability.” *See* 28 U.S.C. § 1915.

25 Here, Plaintiff states he had difficulty reading and writing and cites his appeal decision which
26 makes this finding. However, Plaintiff is advised that the Court does not have the authority to make
27 the appointment he seeks. Moreover, Plaintiff has failed to demonstrate in any fashion why an
28 investigator is needed, what this person would investigate or how this investigation would bear on

1 Plaintiff's case. Plaintiff's request for appointment of a director-private investigator for ADA
2 disability is **DENIED**.

3 **ORDER**

4 Based upon the foregoing, Plaintiff's motion for appointment of counsel an investigator (Doc.
5 23) is **DENIED**.

6
7 IT IS SO ORDERED.

8 Dated: March 15, 2013

/s/ Jennifer L. Thurston
9 UNITED STATES MAGISTRATE JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28