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

COLUMBUS ALLEN, JR.)	Case No.: 1:13-cv-00012-DAD-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING, WITHOUT PREJUDICE,
v.)	PLAINTIFF’S THIRD MOTION FOR
)	APPOINTMENT OF COUNSEL
STANISLAUS COUNTY, et al.,)	
)	[ECF No. 85]
Defendants.)	
)	
)	

Plaintiff Columbus Allen, Jr. is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s third motion for appointment of counsel, filed May 15, 2017. Plaintiff requests counsel to conduct pretrial and trial preparation.

Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require any attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances the court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 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. Even if it
7 is assumed that Plaintiff is not well versed in the law and that he has made serious allegations which, if
8 proved, would entitle him to relief, his case is not exceptional. Circumstances common to most
9 prisoners, such as lack of legal education and limited law library access, do not establish exceptional
10 circumstances that would warrant a request for voluntary assistance of counsel. While a pro se litigant
11 may be better served with the assistance of counsel, so long as a pro se litigant, such as Plaintiff in this
12 instance, is able to “articulate his claims against the relative complexity of the matter,” the
13 “exceptional circumstances” which might require the appointment of counsel do not exist. Rand v.
14 Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28 U.S.C. § 1915(e) when district
15 court denied appointment of counsel despite fact that pro se prisoner “may well have fared better-
16 particularly in the realm of discovery and the securing of expert testimony.”) Based on the present
17 record, the Court finds that Plaintiff has failed to meet his burden of demonstrating extraordinary
18 circumstances warranting the appointment of counsel, and Plaintiff’s third motion for the appointment
19 of counsel is DENIED, without prejudice.

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22 IT IS SO ORDERED.

23 Dated: May 16, 2017



UNITED STATES MAGISTRATE JUDGE