UNITED STATES DISTRICT COURT		
EASTERN DISTRICT OF CALIFORNIA		
KING MWASI,	1:13-cv-00695 AWI-JLT (PC)	
Plaintiff,	ORDER DENYING MOTION FOR	
v.	APPOINTMENT OF COUNSEL	
CORCORAN STATE PRISON,	(Doc. 39)	
Defendant.		
On January 28, 2015, plaintiff filed a motion seeking the appointment of counsel. This is		
the second such motion filed by Plaintiff. As he was advised previously, Plaintiff does not have a		
constitutional right to appointed counsel in this action, <u>Rand v. Rowland</u> , 113 F.3d 1520, 1525		
(9th Cir. 1997), and the court cannot require an 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). <u>Rand</u> , 113 F.3d at 1525.		
Without a reasonable method of securing and compensating counsel, the court will seek		
volunteer counsel only in the most serious and exceptional cases. In determining whether		
"exceptional circumstances exist, the district court must evaluate both the likelihood of success of		
the merits [and] the ability of the [plaintiff] to articulate his claims <i>pro se</i> in light of the		
complexity of the legal issues involved." <u>Id</u> .	(internal quotation marks and citations omitted).	
	EASTERN DIST KING MWASI, Plaintiff, v. CORCORAN STATE PRISON, Defendant. On January 28, 2015, plaintiff filed a the second such motion filed by Plaintiff. As constitutional right to appointed counsel in th (9th Cir. 1997), and the court cannot require a U.S.C. § 1915(e)(1). <u>Mallard v. United State</u> 490 U.S. 296, 298 (1989). However, in certa the voluntary assistance of counsel pursuant the Without a reasonable method of secur volunteer counsel only in the most serious an "exceptional circumstances exist, the district	

Despite being advised of these standards previously, Plaintiff again iterates the difficulty of litigating this matter while in prison. Unfortunately, the Court has hundreds of cases with inmates facing the same situation. Virtually none of them have had any legal training, they do not have the amount of law library access they would like, they are concerned about their ability to handle trial and they all believe their case is of such complexity as to warrant appointment of counsel.

However, once again, the court does not find the required exceptional circumstances. The 7 fact that Plaintiff is not well-versed in the law or its procedures and the fact that he has made 8 serious allegations which, if proved, would entitle him to relief, does not make this case 9 exceptional. To the contrary, this court is faced with similar cases every day. Further, as the 10 Court informed him before, at this early stage in the proceedings, it cannot determine whether 11 Plaintiff is likely to succeed on the merits, and based on a review of the record in this case, the 12 court does not find that plaintiff cannot adequately articulate his claims. Id. Conversely, Plaintiff 13 has more than demonstrated his ability to communicate in writing. 14

For the foregoing reasons, plaintiff's motion for the appointment of counsel is HEREBY
DENIED, without prejudice.

IT IS SO ORDERED.

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19	Dated:	February 4, 2015	<u>/s/ Jennifer L. Thurston</u> UNITED STATES MAGISTRATE JUDGE
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