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8	UNITED STAT	TES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA	
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11	IRVIN VAN BUREN,	) Case No.: 1:13-cv-01273-LJO-DLB (PC)
12	Plaintiff,	) ORDER DENYING PLAINTIFF'S MOTION
13	V.	) FOR APPOINTMENT OF COUNSEL )
14	EMERSON,	) (Document 36)
15	Defendant.	)
16		) _)
17	Plaintiff Irvin Ban Buren ("Plaintiff") is a prisoner in the custody of the California Department	
18	of Corrections and Rehabilitation ("CDCR"). Plaintiff is proceeding pro se and in forma pauperis in	
19	this civil rights action pursuant to 42 U.S.C. § 1983.	
20	On December 4, 2014, Plaintiff filed a motion for the appointment of counsel.	
21	Plaintiff does not have a constitutional right to the appointment of counsel in this action.	
22	Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009); Storseth v. Spellman, 654 F.2d 1349, 1353 (9th	
23	Cir. 1981). The Court may request the voluntary assistance of counsel pursuant to 28 U.S.C. §	
24	1915(e)(1), but it will do so only if exceptional circumstances exist. <u>Palmer</u> , 560 F.3d at 970; <u>Wilborn</u>	
25	v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this determination, the Court must	
26	evaluate the likelihood of success on the merits and the ability of Plaintiff to articulate his claims pro	
27	se in light of the complexity of the legal issues	involved. Palmer, 560 F.3d at 970 (citation and
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1	quotation marks omitted); <u>Wilborn</u> , 789 F.2d at 1331. Neither consideration is dispositive and they		
2	must be viewed together. <u>Palmer</u> , 560 F.3d at 970 (citation and quotation marks omitted); <u>Wilborn</u> ,		
3	789 F.2d at 1331.		
4	In the present case, the Court does not find the required exceptional circumstances. Even if it		
5	is assumed that Plaintiff is not well versed in the law and that he has made serious allegations which, if		
6	proved, would entitle him to relief, his case is not exceptional. The Court is faced with similar cases		
7	almost daily. Moreover, the Court does not find that Plaintiff cannot adequately articulate his claims.		
8	To the extent that Plaintiff believes that he may have difficulty in discovery, this is not grounds		
9	for the appointment of counsel.		
10	Therefore, Plaintiff's request for the appointment of counsel is HEREBY DENIED.		
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12	IT IS SO ORDERED.		
13	Dated: December 8, 2014 /s/ Dennis L. Beck		
14 15	UNITED STATES MAGISTRATE JUDGE		
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