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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 DALE L. COTTRELL, ) Case No.: 1:13-cv-1530-SAB (PC)  
12 Plaintiff, )  
13 v. ) ORDER DENYING MOTION FOR  
14 FELIX IGBINOSA, et al., ) APPOINTMENT OF COUNSEL  
15 Defendants. ) [ECF No. 3]  
16 )

17 Plaintiff Dale L. Cottrell is appearing pro se and in forma pauperis in this civil rights action  
18 pursuant to 42 U.S.C. § 1983.

19 On September 23, 2013, Plaintiff filed a motion seeking the appointment of counsel. Plaintiff  
20 does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d  
21 1520, 1525 (9th Cir. 1997), and the court cannot require any attorney to represent plaintiff pursuant to  
22 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa, 490  
23 U.S. 296, 298 (1989). However, in certain exceptional circumstances the court may request the  
24 voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

25 Without a reasonable method of securing and compensating counsel, the court will seek  
26 volunteer counsel only in the most serious and exceptional cases. In determining whether  
27 “exceptional circumstances exist, the district court must evaluate both the likelihood of success on the  
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1 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the  
2 legal issues involved.” Id. (internal quotation marks and citations omitted).

3 In the present case, the court does not find the required exceptional circumstances. Even if it  
4 assumed that plaintiff is not well versed in the law and that he has made serious allegations which, if  
5 proved, would entitle him to relief, his case is not exceptional. Plaintiff alleges an Eighth Amendment  
6 claim against several defendants for denying him appropriate medical attention. The legal issues  
7 present in this action are not complex, and Plaintiff has thoroughly set forth his allegations in the  
8 complaint. However, at this early stage in the proceedings, the court cannot make a determination that  
9 Plaintiff is likely to succeed on the merits, and based on a review of the record in this case, the court  
10 does not find that plaintiff cannot adequately articulate his claims. Id.

11 For the foregoing reasons, Plaintiff’s motion for the appointment of counsel is HEREBY  
12 DENIED, without prejudice.

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14 IT IS SO ORDERED.

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16 Dated: September 25, 2013

  
UNITED STATES MAGISTRATE JUDGE