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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLOS MANUEL FLORES,
Plaintiff,
v.
CONNIE GIBSON,
Defendant.

1:13-cv-01608 SAB (PC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(Document# 3)

On October 21, 2013, plaintiff filed a motion seeking the appointment of counsel. 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 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, 109 S.Ct. 1814, 1816 (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.

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 *pro se* in light of the complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).

1 In the present case, the court does not find the required exceptional circumstances. Even
2 if it is assumed that Plaintiff is not well versed in the law and that he has made serious allegations
3 which, if proved, would entitle him to relief, his case is not exceptional. In the complaint,
4 Plaintiff alleges several claims including, but not limited to, denial of proper medical treatment,
5 retaliation, failure to protection, and inhumane conditions of confinement. The legal issues
6 present in this case are not complex, and Plaintiff has adequately set forth his factual allegations
7 in the complaint, although the Court makes not determination whatsoever as to whether Plaintiff
8 states a cognizable constitutional violation. At this early stage in the proceedings, the court
9 cannot make a determination that plaintiff is likely to succeed on the merits, and based on a
10 review of the record in this case, the Court does not find that Plaintiff cannot adequately articulate
11 his claims. Id.

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

14 IT IS SO ORDERED.

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16 Dated: October 23, 2013

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19 UNITED STATES MAGISTRATE JUDGE
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