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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 KIPP ARON WOODS,

9 Plaintiff,

10 v.

11 SHANNON LESLIE MARTIN, et al.,

12 Defendants.  
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CASE No. 1:13-cv-01621-AWI-SAB

ORDER DENYING PLAINTIFF'S  
MOTION FOR APPOINTMENT OF  
COUNSEL

(ECF No. 9)

14 On January 17, 2014, Plaintiff Kipp Aron Woods, a state prisoner proceeding pro se in this  
15 action, filed a first amended complaint and motion for appointment of counsel. Plaintiff does not  
16 have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520,  
17 1525 (9th Cir. 1997), and the court cannot require an attorney to represent plaintiff pursuant to 28  
18 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa,  
19 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in certain exceptional circumstances  
20 the court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand,  
21 113 F.3d at 1525.

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

27 In the present case, the court does not find the required exceptional circumstances. Even if  
28 it is assumed that plaintiff is not well versed in the law and that he has made serious allegations

1 which, if proved, would entitle him to relief, his case is not exceptional. This court is faced with  
2 similar cases almost daily.

3 Further, the court has screened Plaintiff's amended complaint and found that he is  
4 attempting to pursue claims against a defendant who is entitled to absolute immunity and a  
5 defendant who is not a state actor. For these reasons, Plaintiff is unable to amend his complaint to  
6 state a cognizable claim. Plaintiff is therefore not likely to succeed on the merits. Finally, based  
7 on a review of the record in this case, the court does not find that plaintiff cannot adequately  
8 articulate his claims. Id.

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

11 IT IS SO ORDERED.

12 Dated: January 22, 2014

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15 UNITED STATES MAGISTRATE JUDGE  
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