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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD M. SANSONE,
Plaintiff,
v.
J. C. THOMAS,
Defendant.

1:13-cv-01942-DAD-EPG (PC)
ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(ECF No. 69)

On October 24, 2016, plaintiff filed a motion seeking the appointment of counsel. This is Plaintiff's third such request; his two prior requests were both denied without prejudice. (ECF Nos. 19, 21, 40, 57.) As the Court has previously explained, 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

1 the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the
2 complexity of the 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
4 if it is assumed that plaintiff is not well versed in the law and that he has made serious allegations
5 which, if proved, would entitle him to relief, his case is not exceptional. This court is faced with
6 similar cases almost daily. Nothing has changed since Plaintiff's first two motions to appoint
7 counsel were denied and Plaintiff's claims are not so complex as to require appointment of
8 counsel. *Id.*

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

11 IT IS SO ORDERED.

12
13 Dated: October 31, 2016

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE