1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10		
11	ADAM LOPEZ,	1:13-cv-02010-JLT (PC)
12	Plaintiff,	ORDER DENYING MOTION FOR
13	V.	APPOINTMENT OF COUNSEL
14	K. ALLISON, et al.,	(Doc. 3)
15	Defendants.	
16		
17	On December 9, 2013, plaintiff filed a motion seeking the appointment of counsel.	
18	Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. Rowland	
19	113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require an attorney to represent	
20	plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the	
21	Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in certain	
22	exceptional circumstances the court may request the voluntary assistance of counsel pursuant to	
23	section 1915(e)(1). Rand, 113 F.3d at 1525.	
24	Without a reasonable method of securing and compensating counsel, the court will seek	
25	volunteer counsel only in the most serious and exceptional cases. In determining whether	
26	"exceptional circumstances exist, the district court must evaluate both the likelihood of success of	
27	the merits [and] the ability of the [plaintiff] to articulate his claims <i>pro se</i> in light of the	
28	complexity of the legal issues involved." <u>Id</u> . (internal quotation marks and citations omitted).	

In the present case, the court does not find the required exceptional circumstances. Even if it is assumed that plaintiff is not well versed in the law and that he has made serious allegations which, if proved, would entitle him to relief, his case is not exceptional. This court is faced with similar cases almost daily. Further, at this early stage in the proceedings, the court cannot make a determination that plaintiff is likely to succeed on the merits, and based on a review of the record in this case, the court does not find that plaintiff cannot adequately articulate his claims. Id. For the foregoing reasons, plaintiff's motion for the appointment of counsel is HEREBY DENIED, without prejudice. IT IS SO ORDERED. Dated: **December 16, 2013** /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE