

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORY ELL SHEHEE,
Plaintiff,
v.
PAMELA AHLIN,
Defendant

1:14-cv-00005 LJO DLB (PC)

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

On January 26, 2015, 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 Plaintiff's motion for counsel is based mainly on his contention that he is now "totally,
2 completely, and irrevocably blind." ECF No. 13, at 1. This alone does not make Plaintiff's case
3 exceptional under the Ninth Circuit's standards discussed above.

4 At this early stage in the proceedings, the Court cannot make a determination that Plaintiff
5 is likely to succeed on the merits. Plaintiff's First Amended Complaint was dismissed on
6 December 29, 2014, for failure to state a claim, with a final opportunity to amend. To date,
7 Plaintiff has not filed a Second Amended Complaint. Thus, there is no complaint on record in
8 this case for which the Court has found cognizable claims. Moreover, based on the Court's
9 record, the Court does not find that Plaintiff cannot adequately articulate his claims, or respond to
10 the Court's orders. Plaintiff is advised that he is not precluded from renewing the motion for
11 appointment of counsel at a later stage of the proceedings.

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

14 IT IS SO ORDERED.

15 Dated: January 29, 2015

16 /s/ Dennis L. Beck
17 UNITED STATES MAGISTRATE JUDGE

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