2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 JOSE JUAREZ, Case No.: 1:14-cv-00016-SAB (PC) ORDER DENYING PLAINTIFF'S MOTION 12 Plaintiff, FOR APPOINTMENT OF COUNSEL 13 v. [ECF No. 10] 14 W. KOBOR, et al., 15 Defendants. 16 Plaintiff Jose Juarez is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983. 17 Now pending before the Court is Plaintiff's motion for appointment of counsel, filed February 18 19 27, 2014. Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. 20 Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require any attorney to represent 21 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 (1989). However, in certain exceptional circumstances the court 22 23 may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 24 1525. Without a reasonable method of securing and compensating counsel, the court will seek 25

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"exceptional circumstances exist, the district court must evaluate both the likelihood of success on the

volunteer counsel only in the most serious and exceptional cases. In determining whether

merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the 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 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. Plaintiff alleges an Eighth Amendment claim against several defendants for denying him appropriate medical attention. The legal issues present in this action are not complex, and Plaintiff has thoroughly set forth his allegations in the complaint. However, 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: **March 4, 2014** 

UNITED STATES MAGISTRATE JUDGE

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