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7	UNITED STATES DISTRICT COURT	
8	EASTERN DISTRICT OF CALIFORNIA	
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10	GORDON BULLOCK,	1:14-cv-00092-GSA (PC)
11	Plaintiff,	ORDER DENYING MOTION FOR
12	V.	APPOINTMENT OF COUNSEL
13	WASCO STATE PRISON MEDICAL, et al.,	(Document# 18)
14	Defendants.	
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16	On July 16, 2015, Plaintiff filed a m	otion seeking the appointment of counsel. Plaintiff
17	does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113	
18	F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require an attorney to represent Plaintiff	
19	pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern	
20	<u>District of Iowa</u> , 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in certain	
21	exceptional circumstances the court may request the voluntary assistance of counsel pursuant to	
22	section 1915(e)(1). <u>Rand</u> , 113 F.3d at 1525.	
23	Without a reasonable method of securing and compensating counsel, the court will seek	
24	volunteer counsel only in the most serious and exceptional cases. In determining whether	
25	"exceptional circumstances exist, the district court must evaluate both the likelihood of success of	
26	the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the	
27	complexity of the legal issues involved." <u>Id</u> . (internal quotation marks and citations omitted).	
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1	In the present case, the court does not find the required exceptional circumstances. At this	
2	early stage in the proceedings, the court cannot make a determination that Plaintiff is likely to	
3	succeed on the merits. On July 17, 2015, Plaintiff filed a motion to file a third amended	
4	complaint, which is pending. Thus, there is no complaint on record in this case for which the	
5	Court has found cognizable claims, and no other parties have yet appeared. Moreover, based on a	
6	review of the record in this case, the court does not find that Plaintiff cannot adequately articulate	
7	his medical claims. Therefore, Plaintiff's motion shall be denied, without prejudice to renewal of	
8	the motion at a later stage of the proceedings.	
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	II IS SO ORDERED.	
13	Dated: July 23, 2015 /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE	
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