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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRACY LEE DOTSON,
Plaintiff,
v.
DOCTOR,
Defendant.

1:14-cv-00093-SKO (PC)
ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(Document #2)

On November 27, 2013, 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 In the present case, the court does not find the required exceptional circumstances at this
2 stage in the proceedings. Once the court has screened plaintiff's complaint, the court will
3 reevaluate plaintiff's need for counsel if it determines the complaint states a viable claim for
4 relief.¹ Id.

5 For the foregoing reasons, plaintiff's motion for the appointment of counsel is HEREBY
6 DENIED, without prejudice.

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8 IT IS SO ORDERED.

9 Dated: January 23, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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¹ Plaintiff's complaint will be screened in due course. 28 U.S.C. § 1915A.