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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANDRA FOSTER,)	Case No.: 1:14-cv-00243-SAB (PC)
Plaintiff,)	
v.)	ORDER DENYING PLAINTIFF’S SECOND MOTION FOR APPOINTMENT OF COUNSEL
P.D. BRAZELTON, et al.,)	[ECF No. 3]
Defendants.)	
)	
)	

Plaintiff Andra Foster is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Now pending before the Court is Plaintiff’s motion for appointment of counsel, filed on February 24, 2014.

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 any 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 (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

1 “exceptional circumstances exist, the district court must evaluate both the likelihood of success on the
2 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the
3 legal issues involved.” Id. (internal quotation marks and citations omitted).

4 In the present case, the Court does not find the required exceptional circumstances. Even if it
5 assumed that Plaintiff is not well versed in the law and that he has made serious allegations which, if
6 proved, would entitle him to relief, his case is not exceptional. Plaintiff alleges a constitutional
7 violation for contracting Valley Fever, and in an order issued concurrently herewith, the undersigned
8 recommends dismissal of the first amended complaint for failure to state a cognizable claim for relief.

9 For the foregoing reasons, Plaintiff’s second motion for the appointment of counsel is
10 **HEREBY DENIED.**

11
12 **IT IS SO ORDERED.**

13 Dated: **November 7, 2014**



UNITED STATES MAGISTRATE JUDGE