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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 LATROY TAYLOR,

12 Plaintiff,

13 v.

14 LANCE ARAKAKI et al.,

15 Defendants.
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1:14-cv-00479-BAM (PC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(ECF No. 16)

17 Plaintiff Latroy Taylor (“Plaintiff”) is a state prisoner proceeding pro se and in forma
18 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 1, 2015, Plaintiff filed
19 a motion seeking the appointment of counsel. Plaintiff does not have a constitutional right to
20 appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the
21 court cannot require an attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard
22 v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct.
23 1814, 1816 (1989). However, in certain exceptional circumstances the court may request the
24 voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

25 Without a reasonable method of securing and compensating counsel, the court will seek
26 volunteer counsel only in the most serious and exceptional cases. In determining whether
27 “exceptional circumstances exist, the district court must evaluate both the likelihood of success on
28 the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the

1 complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).

2 In the present case, the court does not find the required exceptional circumstances. Even
3 if it is assumed that plaintiff is not well versed in the law and that he has made serious allegations
4 which, if proved, would entitle him to relief, his case is not exceptional. This Court is faced with
5 similar cases almost daily from indigent prisoners alleging deliberate indifference to serious
6 medical needs. Although Plaintiff reports that he has limited education and participates in the
7 mental health system, he has not demonstrated an inability to comprehend proceedings.
8 According to the record, Plaintiff has obtained the assistance of other inmates. (ECF No. 16.)
9 Further, at this early stage in the proceedings, the Court cannot make a determination that
10 Plaintiff is likely to succeed on the merits, and based on a review of the record in this case, the
11 Court does not find that Plaintiff cannot adequately articulate his claims. Id.

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

14 IT IS SO ORDERED.

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16 Dated: April 3, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE