

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PATRICIA A. McCOLM,

Plaintiff,

vs.

STATE OF CALIFORNIA, *et al.*,

Defendants.

Case No. 1:14-cv-00580-RRB

**ORDER DENYING MOTION
TO APPOINT COUNSEL**

At Docket 31 Plaintiff Patricia A. McColm, a former state prisoner, has moved for the appointment of counsel. Generally, an individual has no right to counsel in civil actions.¹ However, “[t]he Court may request an attorney to represent any person unable to afford counsel.”² The Ninth Circuit has limited the application of that provision to exceptional circumstances, stating: “When determining whether exceptional circumstances exist, a court must consider the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved. Neither of these considerations is dispositive, instead they must be viewed together.”³

¹ See *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981) (holding that there is no constitutional right to appointed counsel for § 1983 claims).

² 28 U.S.C. § 1915(e)(1).

³ *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (citations and internal quotation marks omitted).

The availability of *pro bono* counsel to represent indigent plaintiffs is extremely limited. While this Court is not unmindful of the value of the assistance of counsel, both to McColm and the Court itself, at the screening stage of the proceedings the Court cannot determine whether or not this is a case in which it is necessary for the Court to assist in obtaining representation.⁴

The Court further notes that for the most part the difficulty McColm has in obtaining representation on a *pro bono* basis and her difficulties in representing herself stem from the fact that she lives in Trinity County, a relatively remote area in Northern California lacking broadband internet access. In addition, she has an old computer with out-of-date programs that are no longer serviced. McColm further notes that Trinity County does not have a legal library and the nearest law library in Shasta County lacks Federal information and computer access. According to McColm she lacks both physical and financial ability to travel to Sacramento where the nearest law library is located. For the most part these result from McColm's personal choice of where to reside, not factors beyond her control.

////

////

////

////

⁴ The Court also notes that McColm has filed two other cases in this District: *McColm v. Trinity County*, 2:12-cv-01984-MCE-CMK (amended complaint not yet filed, motion to appoint counsel pending); and *McColm v. Trinity County*, 2:14-cv-00773-KJM-CKD (case dismissed for failure to timely comply with a court order, appeal dismissed for want of a substantial issue).

Accordingly, the Application for Appointment of Attorney for Good Cause at **Docket 31** is hereby **DENIED** without prejudice to renewal after the matter has been screened, the Defendant(s) have appeared in the action, and the issues joined.

IT IS SO ORDERED this 20th day of September, 2016.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE