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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	FEDERICO ROSAS,	1:14-cv-00611 DLB (PC)
12	Plaintiff,	ORDER DENYING MOTION FOR
13	V.	APPOINTMENT OF COUNSEL
14	D. DAVEY, et al.,	(Document# 8)
15	Defendant(s).	
16	On May 30, 2014, plaintiff filed a mo	tion seeking the appointment of counsel. Plaintiff
17	does not have a constitutional right to appointed counsel in this action, <u>Rand v. Rowland</u> , 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	District of Iowa, 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 26	"exceptional circumstances exist, the district court must evaluate both the likelihood of success	
26 27	of the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the	
27 28	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. Even	
2	if it is assumed that plaintiff is not well versed in the law and that he has made serious allegations	
3	which, if proved, would entitle him to relief, his case is not exceptional. This court is faced with	
4	similar cases almost daily. Further, at this early stage in the proceedings, the court cannot make a	
5	determination that plaintiff is likely to succeed on the merits, and based on a review of the record	
6	in this case, the court does not find that plaintiff cannot adequately articulate his claims. <u>Id</u> .	
7	Insofar as Plaintiff specifically requests that the court appoint attorney William L.	
8	Schmidt, the Court cannot require an attorney to represent plaintiff. If Mr. Schmidt has agreed to	
9	represent plaintiff, he may file an appearance in this action.	
10	For the foregoing reasons, plaintiff's motion for the appointment of counsel is HEREBY	
11	DENIED, without prejudice.	
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13	IT IS SO ORDERED.	
14	Dated: June 2, 2014 /s/ Dennis L. Beck	
15	UNITED STATES MAGISTRATE JUDGE	
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