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

DALE OWEN DUSTIN,

Plaintiff,

v.

GIPSON, et al.,

Defendants.

Case No. 1:14-cv-00757 AWI DLB PC

ORDER DENYING PLAINTIFF'S  
MOTION TO APPOINT COUNSEL

(Document 24-1)

Plaintiff Dale Owen Dustin (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action was transferred to this Court on May 16, 2014. On June 11, 2014, Plaintiff filed a motion for the appointment of counsel.

Plaintiff does not have a constitutional right to the appointment of counsel in this action. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009); *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). The Court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1), but it will do so only if exceptional circumstances exist. *Palmer*, 560 F.3d at 970; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this determination, the Court must evaluate the likelihood of success on the merits and the ability of Plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *Palmer*, 560 F.3d at 970 (citation and quotation marks omitted); *Wilborn*, 789 F.2d at 1331. Neither consideration is

1 dispositive and they must be viewed together. *Palmer*, 560 F.3d at 970 (citation and quotation  
2 marks omitted); *Wilborn* 789 F.2d at 1331.

3 In the present case, the Court does not find the required exceptional circumstances. Even if it  
4 is assumed that Plaintiff is not well versed in the law and that he has made serious allegations which,  
5 if proved, would entitle him to relief, his case is not exceptional. The Court is faced with similar  
6 cases almost daily. Therefore, Plaintiff's request for the appointment of counsel is HEREBY  
7 DENIED.

8  
9 IT IS SO ORDERED.

10 Dated: June 18, 2014

/s/ Dennis L. Beck  
11 UNITED STATES MAGISTRATE JUDGE