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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	TONY TENNENTO,) Case No.: 1:14-cv-00772 - LJO - JLT
12	Plaintiff,) ORDER DENYING PLAINTIFF'S MOTION FOR
13	v.) APPOINTMENT OF COUNSEL WITHOUT) PREJUDICE
14	CHRISTOPHER BOSTON, et al.,)) (Doc. 7)
15	Defendants.)
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17	On June 30, 2014, Plaintiff Tony Tennento ("Plaintiff") filed a motion for appointment of	
18	counsel. (Doc. 7.) Plaintiff is informed that in most civil cases, there is no constitutional right to	
19	counsel, but the Court may request an attorney to represent indigent persons. 28 U.S.C. § 1915(e)(1).	
20	The Court cannot <i>require</i> representation of a plaintiff pursuant to 28 U.S.C. § 1915. <i>Mallard v. U.S.</i>	
21	District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). Nevertheless, in	
22	"exceptional circumstances," the Court has discretion to request the voluntary assistance of counsel.	
23	Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997).	
24	To determine whether "exceptional circumstances exist, the district court must evaluate both the	
25	likelihood of success of the merits [and] the ability of the [plaintiff] to articulate his claims pro se in	
26	light of the complexity of the legal issues involved." <i>Rand</i> , 113 F.3d at 1525 (internal quotation marks	
27	and citations omitted). Here, the Court has determined that Plaintiff stated a cognizable claim in his	
28	First Amended Complaint, and Plaintiff has demonstrated that he is able to state his position in an	

1	intelligible manner before the Court. Further, at this early stage in the proceeding, the Court is unable	
2	to make a determination that Plaintiff is likely to succeed on the merits. Therefore, the Court does not	
3	find the required exceptional circumstances at this time.	
4	Accordingly, IT IS HEREBY ORDERED : Plaintiff's motion for the appointment of counsel is	
5	DENIED WITHOUT PREJUDICE.	
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7	IT IS SO ORDERED.	
8	Dated: July 7, 2014 /s/ Jennifer L. Thurston	
9	UNITED STATES MAGISTRATE JUDGE	
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