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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 PERRY C. BLAIR, ) Case No.: 1:14-cv-01156-SAB (PC)  
12 Plaintiff, )  
13 v. ) ORDER DENYING PLAINTIFF’S MOTION  
14 CDCR, et al., ) FOR APPOINTMENT OF COUNSEL,  
15 Defendants. ) WITHOUT PREJUDICE  
16 ) [ECF No. 19]  
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Plaintiff Perry C. Blair is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 23, 2015, Plaintiff filed a motion for the appointment of counsel. Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require any attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances the court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

Without a reasonable method of securing and compensating counsel, the court will seek volunteer counsel only in the most serious and exceptional cases. In determining whether “exceptional circumstances exist, the district court must evaluate both the likelihood of success on the

1 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the  
2 legal issues involved.” Id. (internal quotation marks and citations omitted).

3 The test for exceptional circumstances requires the Court to evaluate the Plaintiff’s likelihood  
4 of success on the merits and the ability of the Plaintiff to articulate his claims pro se in light of the  
5 complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.  
6 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances common to most  
7 prisoners, such as lack of legal education and limited law library access, do not establish exceptional  
8 circumstances that would warrant a request for voluntary assistance of counsel. In the present case,  
9 Defendants have not yet been served and no dispositive motions have been filed. Thus, the Court  
10 cannot determine whether Plaintiff is likely to proceed on the merits of his case. Accordingly,  
11 Plaintiff’s motion for appointment of counsel will be DENIED, without prejudice.

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13 IT IS SO ORDERED.

14 Dated: October 29, 2015

  
UNITED STATES MAGISTRATE JUDGE