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8	UNITED STAT	ES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA	
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11	AVERY HYPOLITE,) Case No.: 1:14-cv-01199-SAB (PC)
12	Plaintiff,)) \ ORDER DENYING MOTION FOR
13	V.	APPOINTMENT OF COUNSEL
14	R. ZAMORA, et al.,) [ECF No. 3]
15	Defendants.))
16)
17	On July 31, 2014, Plaintiff filed a motion seeking the appointment of counsel. Plaintiff does	
18	not have a constitutional right to appointed counsel in this action, <u>Rand v. Rowland</u> , 113 F.3d 1520,	
19	1525 (9th Cir. 1997), and the court cannot require any attorney to represent plaintiff pursuant to 28	
20	U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa, 490	
21	U.S. 296, 298 (1989). However, in certain exceptional circumstances the court may request the	
22	voluntary assistance of counsel pursuant to sect	ion 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	"exceptional circumstances exist, the district court must evaluate both the likelihood of success on the	
26	merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the	
27	legal issues involved." Id. (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 if it	
2	assumed that plaintiff is not well versed in the law and that he has made serious allegations which, if	
3	proved, would entitle him to relief, his case is not exceptional. The legal issues present in this action	
4	are not complex, and Plaintiff has thoroughly set forth his allegations in the complaint. However, at	
5	this early stage in the proceedings, the Court cannot make a determination that Plaintiff is likely to	
6	succeed on the merits, and based on a review of the record in this case, the court does not find that	
7	plaintiff cannot adequately articulate his claims. <u>Id.</u>	
8	For the foregoing reasons, Plaintiff's motion for the appointment of counsel is HEREBY	
9	DENIED, without prejudice.	
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12	IT IS SO ORDERED.	
13	Dated: August 1, 2014	
14	UNITED STATES MAGISTRATE JUDGE	
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