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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	GUSTAVO TORRES,	1:14-cv-01217-BAM (PC)
12	Plaintiff,	ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL
13	V.	(ECF No. 17)
14	WADDEL,	
15	Defendant.	
16		
17	Plaintiff Gustavo Torres ("Plaintiff") is a state prisoner proceeding pro se and in forma	
18	pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On February 25, 2015, Plaintiff	
19	filed a motion seeking the appointment of counsel. Plaintiff does not have a constitutional right	
20	to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and	
21	the Court cannot require an attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1).	
22	Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298, 109	
23	S.Ct. 1814, 1816 (1989). However, in certain exceptional circumstances the Court may request	
24	the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.	
25	Without a reasonable method of securing and compensating counsel, the Court will seek	
26	volunteer counsel only in the most serious and exceptional cases. In determining whether	
27	"exceptional circumstances exist, the district	court must evaluate both the likelihood of success on
28	the merits [and] the ability of the [plaintiff] to	o articulate his claims pro se in light of the 1

1	complexity of the legal issues involved." <u>Id.</u> (internal quotation marks and citations omitted).	
2	In the present case, the Court does not find the required exceptional circumstances. Even	
3	if it is assumed that Plaintiff is not well versed in the law and that he has made serious allegations	
4	which, if proved, would entitle him to relief, his case is not exceptional. This Court is faced with	
5	similar cases almost daily from indigent prisoners in Administrative Segregation with limited	
6	access to the law library. If Plaintiff requires additional time meet court deadlines, he may	
7	request appropriate extensions of time. Further, at this early stage in the proceedings, the Court	
8	cannot make a determination that Plaintiff is likely to succeed on the merits, and based on a	
9	review of the record in this case, the Court does not find that Plaintiff cannot adequately articulate	
10	his claims. <u>Id.</u>	
11	For the foregoing reasons, Plaintiff's motion for the appointment of counsel is HEREBY	
12	DENIED without prejudice.	
13	IT IS SO ORDERED.	
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15	Dated: February 27, 2015 /s/ Barbara A. McAuliffe	
16	UNITED STATES MAGISTRATE JUDGE	
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