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

ESTATE OF ANDREW S. KEEL, et al.,	)	Case No.: 1:14-cv-01458-LJO-JLT
	)	
Plaintiffs,	)	ORDER DENYING DEFENDANT’S MOTION
	)	FOR APPOINTMENT OF COUNSEL
v.	)	
	)	(Doc. 8)
DENNIS JOHN BRATTON, et al.,	)	
	)	
Defendants.	)	
	)	

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On October 16, 2014, Defendant Dennis Bratton filed motion for appointment of counsel. (Doc. 8.) Defendant reports that “is a prisoner in Kern Valley State Prison and is currently housed in Ad-Seg,” with limited access to a law library. (*Id.* at 1-2.) Therefore, Defendant requests that the Court appoint counsel to help him mount a defense against the plaintiffs’ claims.

Importantly, in most civil cases, there is no constitutional right to counsel, but the Court may request an attorney to represent indigent persons. 28 U.S.C. § 1915(e)(1). Defendant is advised that the Court cannot *require* representation of a party pursuant to 28 U.S.C. § 1915. *Mallard v. U.S. District Court for the Southern District of Iowa*, 490 U.S. 296, 298 (1989). Nevertheless, in “exceptional circumstances,” the Court has discretion to request the voluntary assistance of counsel. *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997).

To determine whether “exceptional circumstances exist, the district court must evaluate both the likelihood of success of the merits [and] the ability of the [party] to articulate his claims *pro se* in light

1 of the complexity of the legal issues involved.” *Rand*, 113 F.3d at 1525 (internal quotation marks and  
2 citations omitted). Here, the action is in its early stages and there is a motion to dismiss pending before  
3 the Court. As a result, the Court is unable to determine the merits of the proceeding at this time.  
4 Further, Defendant’s motion demonstrates that he is articulate and able to state his position in an  
5 intelligible manner. Therefore, the Court does not find the required exceptional circumstances at this  
6 time.

7           Accordingly, **IT IS HEREBY ORDERED**: Defendant’s motion for the appointment of counsel  
8 (Doc. 8) is **DENIED WITHOUT PREJUDICE**.

9  
10 IT IS SO ORDERED.

11 Dated: October 17, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE