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4 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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6 LANCE WILLIAMS,

7 Plaintiff,

8 v.

9 WASCO STATE PRISON, et al.,

10 Defendants.
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CASE NO. 1:14-cv-01714(PC)

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

(ECF No. 9)

13 On March 2, 2015, Plaintiff filed a motion to appoint counsel. (ECF No. 9.)

14 Plaintiff does not have a constitutional right to appointed counsel in this action,
15 Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require an
16 attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United
17 States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989).
18 However, in certain exceptional circumstances the Court may request the voluntary
19 assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.
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21 Without a reasonable method of securing and compensating counsel, the court
22 will seek volunteer counsel only in the most serious and exceptional cases. In
23 determining whether “exceptional circumstances exist, the district court must evaluate
24 both the likelihood of success of the merits [and] the ability of the [plaintiff] to articulate
25 his claims pro se in light of the complexity of the legal issues involved.” Id. (internal
26 quotation marks and citations omitted).
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1 In the present case, the court does not find the required exceptional
2 circumstances. Plaintiff claims his inmate status will make it difficult for him to gather
3 evidence and conduct discovery. However, Plaintiff faces no pending deadlines in this
4 case, and he may request an extension of time if he has trouble meeting any deadlines
5 that arise.
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7 Even if it is assumed that plaintiff is not well versed in the law and that he has
8 made serious allegations which, if proved, would entitle him to relief, his case is not
9 exceptional. This court is faced with similar cases almost daily. Further, at this stage in
10 the proceedings, the court cannot make a determination that plaintiff is likely to succeed
11 on the merits, and based on a review of the record in this case, the court does not find
12 that plaintiff cannot adequately articulate his claims. Id.
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14 Accordingly, the court will recommend that Plaintiff's motion for the appointment
15 of counsel be DENIED without prejudice.
16

17 IT IS SO ORDERED.

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19 Dated: March 27, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE