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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 F. L. ODINSON CROWELL,

12 Plaintiff,

13 v.

14 E. BEELER,

15 Defendant.
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1:14-cv-01724-BAM (PC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(ECF No. 14)

17 Plaintiff F. L. Odinson Crowell ("Plaintiff") is a state prisoner proceeding in this civil
18 rights action pursuant to 42 U.S.C. § 1983. Plaintiff originally filed this civil action through
19 counsel on November 3, 2014. On February 13, 2015, the Court granted Plaintiff's substitution of
20 attorney and Plaintiff now proceeds pro se.

21 On February 23, 2015, Plaintiff filed the instant motion for appointment of counsel. (ECF
22 No. 14.) Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v.
23 Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the Court cannot require an attorney to
24 represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for
25 the Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in
26 certain exceptional circumstances the Court may request the voluntary assistance of counsel
27 pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

28 Without a reasonable method of securing and compensating counsel, the Court will seek

1 volunteer counsel only in the most serious and exceptional cases. In determining whether
2 “exceptional circumstances exist, the district court must evaluate both the likelihood of success on
3 the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the
4 complexity of the legal issues involved.” Id. (internal quotation marks and citations omitted).

5 In the present case, the Court does not find the required exceptional circumstances. Even
6 if it is assumed that Plaintiff is not well versed in the law and that he has made serious allegations
7 which, if proved, would entitle him to relief, his case is not exceptional. This Court is faced with
8 similar cases almost daily from prisoners with limited access to the law library. Although
9 Plaintiff has had difficulty securing counsel, it is evident that he has \$3,000.00 available to retain
10 counsel. (ECF No. 14, p. 2.) Moreover, at this early stage in the proceedings, the Court cannot
11 make a determination that Plaintiff is likely to succeed on the merits, and based on a review of the
12 record in this case, the Court does not find that Plaintiff cannot adequately articulate his claims.
13 Id.

14 For the foregoing reasons, Plaintiff’s motion for the appointment of counsel is HEREBY
15 DENIED without prejudice.

16 IT IS SO ORDERED.

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18 Dated: March 2, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE