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

WILLIAM KING,)	Case No.: 1:4-cv-02041-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION
v.)	FOR APPOINTMENT OF COUNSEL
)	
ANDREY KING, et al.,)	[ECF No. 5]
)	
Defendants.)	
)	
)	

Plaintiff William King is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Individuals detained pursuant to California Welfare and Institutions Code § 6600 et seq. are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. Page v. Torrey, 201 F.3d 1136, 1140 (9th Cir. 2000).

On January 17, 2015, Plaintiff filed a motion for the appointment of counsel. Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require any attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances the court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

Without a reasonable method of securing and compensating counsel, the court will seek volunteer counsel only in the most serious and exceptional cases. In determining whether

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

4 In the present case, the Court does not find the required exceptional circumstances. Plaintiff
5 contends that because of his physical condition he will be unable to effectively litigate this action and
6 requests counsel to assist. The Court finds that neither the interests of justice or exceptional
7 circumstances warrant appointment of counsel at this time. Indeed, at this early stage in the
8 proceedings, the Court cannot make a determination that Plaintiff is likely to succeed on the merits,
9 and based on a review of the record in this case, the Court does not find that plaintiff cannot
10 adequately articulate his claims. Id.

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

13
14 IT IS SO ORDERED.

15 Dated: January 28, 2015



UNITED STATES MAGISTRATE JUDGE