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

TONY HILL,
Plaintiff,
v.
KATAVICH, et al.,
Defendants.

1:15-cv-00631-LJO-JLT (PC)
ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(Doc. 31)

On October 26, 2017, Plaintiff filed a motion seeking 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 an 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 “exceptional circumstances exist, the district court must evaluate both the likelihood of success of the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Id.* (internal quotation marks and citations omitted).

1 The Court does not find the required exceptional circumstances in the present case.
2 Further, this action has been closed for over two years. (*See* Docs. 18, 19.) Plaintiff appealed the
3 dismissal of this action to the Ninth Circuit, but his appeal was also dismissed. (Docs. 20, 21, 26,
4 27.) Plaintiff filed motions to reopen this action with this Court and as well as a motion to
5 reinstate his appeal with the Ninth Circuit -- all of which have been denied. (Docs. 23, 25, 28, 29,
6 30, 32, 33.) This action is no longer pending in this Court, or the Ninth Circuit, for counsel to be
7 assigned to represent Plaintiff. No further relief remains available for Plaintiff via this action.

8 For the foregoing reasons, Plaintiff's motion for the appointment of counsel in this action
9 is **DENIED, with prejudice.**

10 IT IS SO ORDERED.

11 Dated: November 1, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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