

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 JON L. NYLAND,

12 Plaintiff,

13 v.

14 CALAVERAS COUNTY SHERIFF'S JAIL,

15 Defendant.
16

Case No. 1:15-cv-00886 DLB PC

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

[ECF No. 14]

17 Plaintiff Jon L. Nyland, a pretrial detainee proceeding pro se and in forma pauperis, filed
18 this civil rights action pursuant to 42 U.S.C. § 1983 on June 11, 2015.¹ On July 17, 2015, the
19 Court screened and dismissed the complaint with leave to amend. On July 24, 2015, Plaintiff
20 filed a First Amended Complaint.

21 Pending before the Court is Plaintiff's request for appointment of counsel filed on July
22 23, 2015. Plaintiff does not have a constitutional right to the appointment of counsel in this
23 action. Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009); Storseth v. Spellman, 654 F.2d
24 1349, 1353 (9th Cir. 1981). The Court may request the voluntary assistance of counsel pursuant
25 to 28 U.S.C. § 1915(e)(1), but it will do so only if exceptional circumstances exist. Palmer, 560
26 F.3d at 970; Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this
27

28 ¹ On June 18, 2015, Plaintiff consented to the jurisdiction of the Magistrate Judge.

1 determination, the Court must evaluate the likelihood of success on the merits and the ability of
2 Plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.
3 Palmer, 560 F.3d at 970 (citation and quotation marks omitted); Wilborn, 789 F.2d at 1331.
4 Neither consideration is dispositive and they must be viewed together. Palmer, 560 F.3d at 970
5 (citation and quotation marks omitted); Wilborn, 789 F.2d at 1331.

6 In the present case, the Court does not find the required exceptional circumstances. Even
7 if it is assumed that Plaintiff is not well versed in the law and that he has made serious
8 allegations which, if proved, would entitle him to relief, his case is not exceptional. The Court is
9 faced with similar cases almost daily. Therefore, Plaintiff's request for the appointment of
10 counsel is HEREBY DENIED.

11
12 IT IS SO ORDERED.

13 Dated: February 1, 2016

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28