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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THOMAS L. GOFF,  
  
  Plaintiff,  
  
  v.  
  
GAMEZ, et al.,  
  
  Defendants.

Case No. 1:15-cv-00937-AWI-EPG (PC)  
  
ORDER DENYING PLAINTIFF’S MOTION  
FOR APPOINTMENT OF PRO BONO  
COUNSEL  
  
(ECF NO. 27)

Thomas Goff (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983. On December 29, 2017, Plaintiff filed a motion for appointment of pro bono counsel. (ECF No. 27).

Plaintiff asks for appointment of counsel because “he has undergone physical and psychological [sic] doctors [sic] care for his injuries....”

Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), withdrawn in part on other grounds, 154 F.3d 952 (9th Cir. 1998), and the Court cannot require an attorney to represent Plaintiff pursuant to 28 U.S.C. § 1915(e)(1).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, 109 S.Ct. 1814, 1816 (1989). However, in certain exceptional circumstances

1 the Court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand,  
2 113 F.3d at 1525.

3 Without a reasonable method of securing and compensating counsel, the Court will seek  
4 volunteer counsel only in the most serious and exceptional cases. In determining whether  
5 “exceptional circumstances exist, a district court must evaluate both the likelihood of success of  
6 the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the  
7 complexity of the legal issues involved.” Id. (internal quotation marks and citation omitted).

8 The Court will not order appointment of pro bono counsel at this time. The Court has  
9 reviewed the record in this case, and at this time the Court cannot make a determination that Plaintiff  
10 is likely to succeed on the merits of his claims (the First Amended Complaint is awaiting screening).  
11 Moreover, based on the record in this case, it appears that Plaintiff can adequately articulate his  
12 claims.

13 Plaintiff is advised that he is not precluded from renewing his motion for appointment of pro  
14 bono counsel at a later stage of the proceedings.

15 For the foregoing reasons, IT IS ORDERED that Plaintiff’s motion for appointment of pro  
16 bono counsel is DENIED without prejudice.

17 IT IS SO ORDERED.

18  
19 Dated: January 3, 2018

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE