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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN W. MUNDO,
Plaintiff,
v.
TAYLOR, et al.,
Defendants.

No. 1:15-cv-01681 DAD DLB PC
ORDER DENYING PLAINTIFF’S
MOTION FOR COUNSEL
(Document 35)

Plaintiff Jonathan W. Mundo (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation. He filed this action on November 5, 2015.

On August 22, 2016, Plaintiff filed a motion for the appointment of counsel.

Plaintiff does not have a constitutional right to the appointment of counsel in this action. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009); *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). The Court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1), but it will do so only if exceptional circumstances exist. *Palmer*, 560 F.3d at 970; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this determination, the Court must evaluate the likelihood of success on the merits and the ability of Plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *Palmer*, 560 F.3d at 970 (citation and quotation marks omitted); *Wilborn*, 789 F.2d at 1331. Neither consideration is

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1 dispositive and they must be viewed together. *Palmer*, 560 F.3d at 970 (citation and quotation
2 marks omitted); *Wilborn* 789 F.2d at 1331.

3 In the present case, the Court does not find the required exceptional circumstances. Even
4 if it is assumed that Plaintiff is not well versed in the law and that he has made serious allegations
5 which, if proved, would entitle him to relief, his case is not exceptional. The Court is faced with
6 similar cases almost daily. To the extent that Plaintiff believes that he is unable to file documents
7 because of his current hospitalization and medications, he may request extensions of time as
8 necessary. At this time, there are no filings due. Plaintiff's Fifth Amended Complaint is awaiting
9 screening.¹

10 Therefore, Plaintiff's request for the appointment of counsel is HEREBY DENIED.

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12 IT IS SO ORDERED.

13 Dated: August 30, 2016

/s/ Dennis L. Beck
14 UNITED STATES MAGISTRATE JUDGE

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¹ Insofar as Plaintiff requests that orders issued after July 20, 2016, be sent to his new address, he is advised that no orders have issued between that date and the date of this order.