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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MONICO J. QUIROGA III,
Plaintiff,
v.
GRAVES, et al.,
Defendants.

1:16-cv-00234 GSA (PC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(ECF No. 18)

On November 11, 2016, 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, 109 S.Ct. 1814, 1816 (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 In the present case, the court does not find the required exceptional circumstances.
2 Plaintiff declares that he “cannot understand legal terms and ha[s] no knowledge of the law and
3 only ha[s] a G.E.D.” (ECF No. 18.) This does not make his case exceptional. At this early stage
4 in the proceedings, the court cannot make a determination that Plaintiff is likely to succeed on the
5 merits. Plaintiff’s amended complaint, filed on December 23, 2016, awaits screening by the
6 court. (ECF No. 21.) Moreover, based on a review of the record in this case, the court finds that
7 plaintiff can adequately articulate his claims. See id. Therefore, Plaintiff’s motion shall be
8 denied without prejudice to renewal of the motion at a later stage of the proceedings.

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

11 IT IS SO ORDERED.

12 Dated: February 9, 2017

13 /s/ Gary S. Austin
14 UNITED STATES MAGISTRATE JUDGE