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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES JAMIL GARRETT,  
Plaintiff,  
v.  
DR. NGOZI IGBINOSA,  
Defendant.

CASE No. 1:16-cv-00259-MJS (PC)  
**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL**  
(ECF No. 42)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983.

Before the Court is Plaintiff's motion for appointment of counsel. (ECF No. 42.)

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). 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.

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

7 In the present case, the Court again does not find the required exceptional  
8 circumstances. Even if it is assumed, as Plaintiff claims, that he is not well versed in the  
9 law and that he has made serious allegations which, if proved, would entitle him to relief,  
10 his case is not exceptional. This Court is faced with similar cases almost daily. Further,  
11 at this stage in the proceedings, the Court cannot make a determination that Plaintiff is  
12 likely to succeed on the merits. And, based on a review of the record in this case, even  
13 though the issues are complex, the court does not find that Plaintiff cannot adequately  
14 articulate his claims. Id.

15 Accordingly Plaintiff's motion is HEREBY DENIED.

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17 IT IS SO ORDERED.

18 Dated: March 13, 2018

19 /s/ Michael J. Seng  
20 UNITED STATES MAGISTRATE JUDGE  
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