

1 Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v.
2 Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the Court cannot require an attorney to
3 represent Plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for
4 the Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in
5 certain exceptional circumstances the Court may request the voluntary assistance of counsel
6 pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525. Without a reasonable method of
7 securing and compensating counsel, the Court will seek volunteer counsel only in the most
8 serious and exceptional cases. In determining whether “exceptional circumstances exist, the
9 district court must evaluate both the likelihood of success on the merits [and] the ability of the
10 [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved.”
11 Id. (internal quotation marks and citations omitted).

12 In the present case, the Court does not find the required exceptional circumstances, and
13 Plaintiff has not identified any circumstances warranting appointment of counsel. Even if it is
14 assumed that Plaintiff is not well versed in the law and that he has made serious allegations
15 which, if proved, would entitle him to relief, his case is not exceptional. This Court is faced with
16 similar cases almost daily from indigent prisoners proceeding without representation. Further, at
17 this early stage in the proceedings, the Court cannot make a determination that Plaintiff is likely
18 to succeed on the merits. Plaintiff has not yet filed an amended complaint pursuant to this
19 Court’s orders, and there has been no finding that he has stated a cognizable claim for relief.
20 Additionally, based on a review of the record in this case, the Court does not find that Plaintiff
21 cannot adequately articulate his claims.

22 For these reasons, Plaintiff’s motion for the appointment of counsel is HEREBY
23 DENIED, without prejudice.

24 IT IS SO ORDERED.

25 Dated: March 14, 2017

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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