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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**

8 SAM CONSIGLIO, JR.,) Case No.: 1:16-cv-01268-AWI-SAB (PC)
9 Plaintiff,)
10 v.) ORDER DENYING PLAINTIFF'S SECOND
11 EDMUND G. BROWN, et al.,) MOTION FOR THE APPOINTMENT OF
12 Defendants.) COUNSEL, WITHOUT PREJUDICE
13) [ECF No. 34]
14) ORDER DIRECTING CLERK'S OFFICE TO
15) PROVIDE COPIES, AND GRANTING PLAINTIFF
16) EXTENSION OF TIME TO RESPOND TO
17) MOTION TO DISMISS
18) **THIRTY (30) DAY DEADLINE**

19 Plaintiff Sam Consiglio, Jr., is appearing pro se and in forma pauperis in this civil rights action
20 pursuant to 42 U.S.C. § 1983.

21 Currently before the Court is Plaintiff's second motion for the appointment of counsel filed on
22 February 20, 2018. (ECF No. 34.) In support of his request, Plaintiff states that he understands his
23 response to Defendant Price's motion to dismiss is due, as he has been granted several extensions of
24 time to oppose it. However, all of his flash drives and hard drives were confiscated, and his legal
25 documents were on the flash drives and hard drives. Plaintiff states that he requires counsel based on
26 the confiscation of his legal documents from this case, and if his request for counsel is denied, he
27 requires copies of the case filings in this matter.

28 As Plaintiff was previously informed, he not have a constitutional right to appointed counsel in
this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), rev'd in part on other grounds, 154
F.3d 952, 954 n.1 (9th Cir. 1998), and the court cannot require an attorney to represent plaintiff
pursuant to 28 U.S.C. § 1915(e)(1), Mallard v. U.S. Dist. Court for the S. Dist. of Iowa, 490 U.S. 296,

1 298 (1989). However, in certain exceptional circumstances, the court may request the voluntary
2 assistance of counsel pursuant to section 1915(e)(1). Rand, 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 “exceptional
5 circumstances exist, a district court must evaluate both the likelihood of success on the merits [and]
6 the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues
7 involved.” Id. (internal quotation marks and citations omitted).

8 Here, the Court does not find the required exceptional circumstances. The record reflects that
9 Plaintiff is able to adequately articulate his claim, and the issues raised here are not particularly
10 complex. Furthermore, at this early stage in the proceedings, the Court cannot make a determination
11 that Plaintiff is likely to succeed on the merits. That Plaintiff’s flash drives and hard drives containing
12 his legal documents were recently confiscated is not sufficient to require that he be appointed counsel
13 in this matter, although this Court will address this matter further below given Plaintiff’s assertions.

14 Ordinarily, a plaintiff’s request for free copies of filings would be denied. Although the Court
15 has granted leave for him to proceed in forma pauperis, this generally does not entitle him to free
16 copies of documents from the Court. E.g., Hullom v. Kent, 262 F.2d 862, 863 (6th Cir. 1959). The
17 Clerk charges \$.50 per page for copies of documents. See 28 U.S.C. § 1914(b). Copies of up to twenty
18 pages may be made by the Clerk’s Office at this Court upon written request, prepayment of the copy
19 fees, and submission of a large, self-addressed stamped envelope.

20 However, in the interests of justice and to avoid any further delay in this case, the Court will
21 make a one-time exception and grant Plaintiff a copy of his complaint in this matter, (ECF No. 1), and
22 a copy of Defendant Price’s motion to dismiss the complaint, (ECF No. 26). The Clerk of the Court
23 will be directed to make the copies and serve them on Plaintiff with this order, which will enable him
24 to prepare an opposition to Defendant Price’s motion to dismiss. The Court will also grant Plaintiff
25 one final thirty (30) day extension of time to file his opposition to Defendant Price’s motion to
26 dismiss, on the basis of good cause shown.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's motion requesting the appointment of counsel, filed on February 20, 2018 (ECF No. 34), is HEREBY DENIED, without prejudice;
2. Plaintiff's request for copies is granted, in part. The Clerk of the Court is respectfully directed to make one (1) copy of the complaint filed on August 26, 2016 (ECF No. 1), and one (1) copy of Defendant Price's motion to dismiss, with supporting documents, filed on December 19, 2017 (ECF Nos. 26, 26-1, 26-1, and 26-3), and serve the copies on Plaintiff with this order; and
3. Plaintiff's response to Defendant Price's motion to dismiss is due within thirty (30) days of this order.

IT IS SO ORDERED.

Dated: February 23, 2018


UNITED STATES MAGISTRATE JUDGE