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

JESSE D. ALLRED,) Case No.: 1:16-cv-01571-LJO-SAB (PC)
)
Plaintiff,)
)
v.) ORDER DENYING, WITHOUT PREJUDICE,
) PLAINTIFF’S MOTION FOR APPOINTMENT
) OF COUNSEL
)
CALIFORNIA DEPARTMENT OF)
CORRECTIONS AND REHABILITATION,) [ECF No. 21]
et al.,)
Defendants.)

Plaintiff Jesse D. Allred is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion for appointment of counsel, filed August 31, 2017. Plaintiff requests appointment of counsel to assist him in litigating this action and with service of process on unserved Defendants.

There is no constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require any 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). 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.

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

6 In the present case, the Court does find that neither the interests of justice nor exceptional
7 circumstances warrant appointment of counsel at this time. LaMere v. Risley, 827 F.2d 622, 626 (9th
8 Cir. 1987); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Circumstances common to most
9 prisoners, such as lack of legal education and limited law library access, do not establish exceptional
10 circumstances that would warrant a request for voluntary assistance of counsel. While a pro se litigant
11 may be better served with the assistance of counsel, so long as a pro se litigant, such as Plaintiff in this
12 instance, is able to “articulate his claims against the relative complexity of the matter,” the
13 “exceptional circumstances” which might require the appointment of counsel do not exist. Rand v.
14 Rowland, 113 F.3d at 1525 (finding no abuse of discretion under 28 U.S.C. § 1915(e) when district
15 court denied appointment of counsel despite fact that pro se prisoner “may well have fared better-
16 particularly in the realm of discovery and the securing of expert testimony.”) Accordingly, Plaintiff’s
17 motion for appointment of counsel is denied, without prejudice.

18
19 IT IS SO ORDERED.

20 Dated: September 1, 2017


21 UNITED STATES MAGISTRATE JUDGE