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

CLEVELAND JONES,	)	Case No. 1:16-cv-01911-AWI-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER DENYING, WITHOUT PREJUDICE,
v.	)	PLAINTIFF’S MOTION FOR APPOINTMENT
	)	OF COUNSEL
R. LOWDER, et al.,	)	
	)	[ECF No. 20]
Defendants.	)	
	)	
	)	
	)	

Plaintiff Cleveland Jones 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 January 16, 2018. 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.

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 on the

1 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the  
2 legal issues involved.” Id. (internal quotation marks and citations omitted).

3 In the present case, the Court does find that neither the interests of justice nor exceptional  
4 circumstances warrant appointment of counsel at this time. LaMere v. Risley, 827 F.2d 622, 626 (9th  
5 Cir. 1987); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff seeks appointment of  
6 counsel because of his mental health, need for staff assistance regarding administrative matters,  
7 inability to possess large volumes of records and books in his cell, no access to traditional law library,  
8 or any form of legal assistance. This action is proceeding against Defendant R. Lowder for violation  
9 of the Equal Protection Clause, and the legal issues present in this action are not complex. Plaintiff  
10 has thoroughly set forth his allegations in the complaint, responded to the Court’s orders, and filed  
11 miscellaneous motions.

12 Circumstances common to most prisoners, such as lack of legal education and limited law  
13 library access, do not establish exceptional circumstances that would warrant a request for voluntary  
14 assistance of counsel. While a pro se litigant may be better served with the assistance of counsel, so  
15 long as a pro se litigant, such as Plaintiff in this instance, is able to “articulate his claims against the  
16 relative complexity of the matter,” the “exceptional circumstances” which might require the  
17 appointment of counsel do not exist. Rand v. Rowland, 113 F.3d at 1525 (finding no abuse of  
18 discretion under 28 U.S.C. § 1915(e) when district court denied appointment of counsel despite fact  
19 that pro se prisoner “may well have fared better-particularly in the realm of discovery and the securing  
20 of expert testimony.”) Accordingly, Plaintiff’s motion for appointment of counsel is denied, without  
21 prejudice.

22  
23 IT IS SO ORDERED.

24 Dated: January 17, 2018



UNITED STATES MAGISTRATE JUDGE