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

FRANKIE L. GERMANY,)	Case No.: 1:17-cv-00005-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING, WITHOUT PREJUDICE,
v.)	PLAINTIFF’S MOTION FOR APPOINTMENT OF
)	COUNSEL
M. COELHO, et al.,)	
)	[ECF No. 25]
Defendants.)	
)	
)	

Plaintiff Frankie L. Germany 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 October 13, 2017.

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 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

1 “exceptional circumstances exist, the district court must evaluate both the likelihood of success on the
2 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the
3 legal issues involved.” Id. (internal quotation marks and citations omitted).

4 The test for exceptional circumstances requires the Court to evaluate the Plaintiff’s likelihood
5 of success on the merits and the ability of the Plaintiff to articulate his claims pro se in light of the
6 complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.
7 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances common to most
8 prisoners, such as lack of legal education and limited law library access, do not establish exceptional
9 circumstances that would warrant a request for voluntary assistance of counsel. This action is
10 proceeding against Defendants M. Coelho, Garcia-Fernandez, P. Ward, and Hanson on Plaintiff’s
11 claim of excessive force, and the Court does not find the required exceptional circumstances.
12 Accordingly, Plaintiff’s motion for appointment of counsel will be DENIED without prejudice.

13
14 IT IS SO ORDERED.

15 Dated: October 16, 2017



UNITED STATES MAGISTRATE JUDGE