1		
2		
3		
4		
5		
6		
7		
8		
9	UNITED STATES DISTRICT COURT	
10	EASTERN DISTRICT OF CALIFORNIA	
11		
12	JERRY LEE KING,	Case No. 1:17-cv-00676-EPG (PC)
13	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION FOR APPOINTMENT OF PRO BONO
14	V.	COUNSEL
15	R. VILLEGAS, et al.,	(ECF NO. 8)
16	Defendants.	
17		
18		
19	Jerry King ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this	
20	civil rights action filed pursuant to 42 U.S.C. § 1983. On October 27, 2017, Plaintiff filed a	
21	motion for appointment of pro bono counsel. (ECF No. 8).	
22	Plaintiff asks for appointment of counsel because he is unable to afford counsel, because	
23	of the complexity of his case, because he has very limited access to the law library, because he	
24	has no ability to investigate the facts of his case, because a trial in this case will likely involve	
25	conflicting testimony, and because Plaintiff has no legal education.	
26	Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v	
27	Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), withdrawn in part on other grounds, 154 F.3d 952	
28	(9th Cir. 1998), and the Court cannot require an 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, 109 S.Ct. 1814, 1816 (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, a district court must evaluate both the likelihood of success of the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved." Id. (internal quotation marks and citation omitted). The Court will not order appointment of pro bono counsel at this time. The Court has reviewed the record in this case, and at this time the Court cannot make a determination that Plaintiff is likely to succeed on the merits of his claims (the complaint is awaiting screening). Moreover, based on the complaint, it appears that Plaintiff can adequately articulate his claims. Plaintiff is advised that he is not precluded from renewing his motion for appointment of pro bono counsel at a later stage of the proceedings. For the foregoing reasons, IT IS ORDERED that Plaintiff's motion for appointment of pro bono counsel is DENIED without prejudice. IT IS SO ORDERED. Dated: **October 30, 2017**