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9	UNITED STATES DISTRICT COURT	
10	EASTERN DISTRICT OF CALIFORNIA	
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12	PAUL JORGENSON,	Case No. 1:17-cv-00817-LJO-EPG (PC)
13	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION FOR APPOINTMENT OF PRO BONO
14	V.	COUNSEL WITHOUT PREJUDICE
15	UNITED STATES OF AMERICA, et al.,	(ECF NO. 55)
16	Defendants.	
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19	Paul Jorgenson ("Plaintiff") is a federal prisoner proceeding pro se and in forma pauperis	
20	in this action.	
21	On January 25, 2019, Plaintiff filed a motion for appointment of pro bono counsel. (ECF	
22	No. 55). Plaintiff asks for appointment of counsel because he is unable to afford counsel, because	
23	the issues involved in this case are complex, because he is not trained in law, because he has	
24	extremely limited access to legal research, and because Defendants will be represented by	
25	attorneys.	
26	Plaintiff does not have a constitutional right to appointed counsel in this action, <u>Rand v.</u>	
27	Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), withdrawn in part on other grounds, 154 F.3d 952	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	
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1	U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa,	
2	490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in certain exceptional circumstances	
3	the Court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). <u>Rand</u> ,	
4	113 F.3d at 1525.	
5	Without a reasonable method of securing and compensating counsel, the Court will seek	
6	volunteer counsel only in the most serious and exceptional cases. In determining whether	
7	"exceptional circumstances exist, a district court must evaluate both the likelihood of success of	
8	the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the	
9	complexity of the legal issues involved." Id. (internal quotation marks and citation omitted).	
10	The Court will not order appointment of pro bono counsel at this time. The Court has	
11	reviewed the record in this case, and at this time the Court is unable to make a determination that	
12	Plaintiff is likely to succeed on the merits of his claims. Moreover, it appears that Plaintiff can	
13	adequately articulate his claims.	
14	Plaintiff is advised that he is not precluded from renewing his motion for appointment of	
15	pro bono counsel at a later stage of the proceedings.	
16	For the foregoing reasons, IT IS ORDERED that Plaintiff's motion for appointment of pro	
17	bono counsel is DENIED without prejudice.	
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19	IT IS SO ORDERED.	
20	Dated: January 28, 2019 /s/ Enin P. Shorp	
21	UNITED STATES MAGISTRATE JUDGE	
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