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9	UNITED STATES DISTRICT COURT	
10	EASTERN DISTRICT OF CALIFORNIA	
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12	ROBERT ALLEN HOGUE,	Case No. 1:17-cv-00942-EPG (PC)
13	Plaintiff,	ORDER DENYING PLAINTIFF'S REQUEST FOR APPOINTMENT OF PRO BONO
14	v.	COUNSEL
15	STATE OF CALIFORNIA, et al.,	(ECF NO. 7)
16	Defendants.	
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19	Robert Hogue ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in	
20	this civil rights action filed pursuant to 42 U.S.C. § 1983. On August 2, 2017, Plaintiff filed a	
21	motion for appointment of pro bono counsel. (ECF No. 7).	
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 limited access to the law library, because he has	
24	limited knowledge of the law, because a trial in this case will likely involve conflicting testimony	
25	and because an expert witness may be needed.	
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27	Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), withdrawn in part on other grounds, 154 F.3d 952	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, the 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 citations 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 still 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 request for appointment of pro bono counsel at a later stage of the proceedings. For the foregoing reasons, IT IS ORDERED that Plaintiff's request for appointment of pro bono counsel is DENIED without prejudice. IT IS SO ORDERED. Dated: **August 3, 2017**