

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JEFFREY T. HARDIN,)	Case No.: 1:17-cv-1232-LJO - JLT
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION FOR
)	APPOINTMENT OF COUNSEL
v.)	
)	
DAVID WILSON, et al.,)	(Doc. 7)
)	
Defendants.)	
)	

On January 16, 2018, Jeffrey Hardin filed a request for appointment of counsel, asserting he does “not understand how to further [his] case without representation” and needs a lawyer. (Doc. 7 at 2) In addition, Plaintiff asserts he lacks “physical access to a law library” and is limited to five legal research information forms every 60 days. (*Id.*) However, Plaintiff also acknowledges that he has a lawyer for his criminal case, who advised him to not file this action. (*Id.*)

Significantly, in most civil cases, there is no constitutional right to counsel in most civil cases, but the Court may request an attorney to represent indigent persons. 28 U.S.C. § 1915(e)(1). The Court cannot *require* representation of a plaintiff pursuant to 28 U.S.C. § 1915. *Mallard v. U.S. District Court for the Southern District of Iowa*, 490 U.S. 296, 298 (1989). Nevertheless, in “exceptional circumstances,” the Court has discretion to request the voluntary assistance of counsel. *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997).

To determine whether “exceptional circumstances exist, the district court must evaluate both the

