

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

JOSE LORENZO MORALES,  
Plaintiff,  
v.  
GAMBOA, et al.,  
Defendants.

Case No.: 1:17-cv-01673-AWI-JLT (PC)  
ORDER GRANTING PLAINTIFF'S  
MOTION FOR APPOINTMENT OF  
COUNSEL  
(Doc. 47)

The plaintiff has moved the Court for appointment of counsel. Plaintiffs do not have a constitutional right to appointed counsel in actions such as this, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), 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 (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 an exceptional circumstance exists, the district court must evaluate the likelihood of success of the merits [and] the ability of the [plaintiff] to articulate his claims while considering the complexity of the legal issues involved. Id. (internal quotation marks and citations omitted).

The Court finds that the appointment of counsel in this case is warranted. Justin Palmer and Christian Pereira have been selected from the court's pro bono attorney panel to represent plaintiff and have agreed to be appointed. Accordingly, the Court **ORDERS**:

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

1. Justin Palmer and Christian Pereira are appointed as counsel in the above entitled matter.
2. Appointed counsel SHALL notify Sujean Park at (916) 930-4278, or via email at [spark@caed.uscourts.gov](mailto:spark@caed.uscourts.gov) if they have any questions related to the appointment.
3. The Clerk of the Court is directed to serve a copy of this order on Justin Palmer at Filer/Palmer LLP, 249 E. Ocean Blvd., Suite 501, Long Beach, CA 90802 and Christian Pereira at Pereira Law, 249 E. Ocean Blvd., Suite 814, Long Beach, CA 90802.

IT IS SO ORDERED.

Dated: May 17, 2019

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE