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

LAWTIS DONALD RHODEN,)	Case No.: 1:18-cv-00101-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING, WITHOUT PREJUDICE,
v.)	PLAINTIFF’S MOTION FOR APPOINTMENT OF
)	COUNSEL
DEPARTMENT OF STATE HOSPITALS,)	
et al.,)	[ECF No. 7]
)	
Defendants.)	
)	

Plaintiff Lawtis Donald Rhoden is a civil detainee appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Individuals detained pursuant to California Welfare and Institutions Code § 6600 et seq. are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. Page v. Torrey, 201 F.3d 1136, 1140 (9th Cir. 2000).

On January 29, 2018, Plaintiff filed a motion for the appointment of counsel. Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require any 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.

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1 Without a reasonable method of securing and compensating counsel, the court will seek
2 volunteer counsel only in the most serious and exceptional cases. In determining whether
3 “exceptional circumstances exist, the district court must evaluate both the likelihood of success on the
4 merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the
5 legal issues involved.” Id. (internal quotation marks and citations omitted).

6 In the present case, the Court does not find the required exceptional circumstances. Even if it
7 assumed that plaintiff is not well versed in the law and that he has made serious allegations which, if
8 proved, would entitle him to relief, his case is not exceptional. At this early stage in the proceedings,
9 the Court cannot make a determination that Plaintiff is likely to succeed on the merits, and based on a
10 review of the record in this case, the Court does not find that plaintiff cannot adequately articulate his
11 claims. Id. Although the legal issues may be somewhat complex, Plaintiff has thoroughly set forth his
12 allegations in the complaint. Accordingly, Plaintiff’s motion for the appointment of counsel is
13 HEREBY DENIED, without prejudice.

14
15 IT IS SO ORDERED.

16 Dated: February 13, 2018



UNITED STATES MAGISTRATE JUDGE