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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LUIS NUNO,

Plaintiff,

v.

JANAE REYES, et al.,

Defendants.

Case No. 1:18-cv-0263-DAD-SKO

**ORDER GRANTING PLAINTIFF’S
MOTION TO EXTEND TIME TO FILE
AMENDED COMPLAINT AND DENYING
REQUEST TO APPOINT COUNSEL**

/ **(Doc. 5)**

Plaintiff is a prisoner proceeding *pro se* in a civil rights action pursuant to 42 U.S.C. § 1983. On May 15, 2018, Plaintiff filed a motion to extend time to file his amended complaint, currently due May 21, 2018, by thirty days. (Doc. 5.) Good cause having been presented to the court, **Plaintiff is HEREBY GRANTED thirty (30) days from May 21, 2018, in which to file his amended complaint.**

Plaintiff also requests that counsel be provided to him by the Court. (*Id.*) 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 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 “exceptional circumstances exist, the district court must evaluate both the likelihood of success of

1 the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the
2 complexity of the legal issues involved.” *Id.* (internal quotation marks and citations omitted).
3 Circumstances common to most prisoners, such as lack of legal education and limited law library
4 access, do not establish exceptional circumstances that would warrant a request for voluntary
5 assistance of counsel.

6 Here, the Court does not find the required exceptional circumstances. Even assuming
7 Plaintiff is not well versed in the law and that he has made serious allegations which, if proved,
8 would entitle him to relief, his case is not exceptional. This Court is faced with similar cases
9 almost daily. At this early stage in the proceedings, the Court cannot make a determination that
10 Plaintiff is likely to succeed on the merits, and based on a review of the record in this case, the
11 Court does not find that Plaintiff cannot adequately articulate his claims in light of the legal issues
12 involved. *Id.*

13 For the foregoing reasons, **Plaintiff’s request for the appointment of counsel is**
14 **HEREBY DENIED at this time, without prejudice to its renewal at a later stage of this**
15 **litigation.**

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17 IT IS SO ORDERED.

18 Dated: May 17, 2018

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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