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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	LUIS RENTERIA,	1:18-cv-00497-LJO-GSA (PC)
12	Plaintiff,	ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL
13	v.	
14	KABIR MATHARU, et al.,	(Document# 3)
15	Defendants.	
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17	On April 12, 2018, plaintiff filed a motion seeking the appointment of counsel. Plaintiff	
18	does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113	
19	F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require an attorney to represent plaintiff	
20	pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern	
21	<u>District of Iowa</u> , 490 U.S. 296, 298, 109 S.Ct. 1814, 1816 (1989). However, in certain	
22	exceptional circumstances the court may request the voluntary assistance of counsel pursuant to	
23	section 1915(e)(1). Rand, 113 F.3d at 1525.	
24	Without a reasonable method of securing and compensating counsel, the court will seek	
25	volunteer counsel only in the most serious and exceptional cases. In determining whether	
26	"exceptional circumstances exist, the district court must evaluate both the likelihood of success of	
27	the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the	
28	complexity of the legal issues involved." <u>Id</u> . (internal quotation marks and citations omitted).	
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In the present case, the court does not find the required exceptional circumstances. At this early stage in the proceedings, the court cannot make a determination that plaintiff is likely to succeed on the merits. Plaintiff filed the Complaint on April 12, 2018, less than a month ago, and the Complaint awaits the court's screening required under 28 U.S.C. 1915. Thus, to date the court has not found any cognizable claims in plaintiff's Complaint for which to initiate service of process, and no other parties have yet appeared. Moreover, based on a review of the record in this case, the court does not find that Plaintiff cannot adequately articulate his claims. Therefore, plaintiff's motion shall be denied without prejudice to renewal of the motion at a later stage of the proceedings. For the foregoing reasons, plaintiff's motion for the appointment of counsel is HEREBY DENIED, without prejudice. IT IS SO ORDERED. /s/ Gary S. Austin Dated: **May 3, 2018** UNITED STATES MAGISTRATE JUDGE