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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VINCENT TURNER,
Plaintiff,
v.
ANDREW ZEPP, et al.
Defendants.

Case No. 1:20-cv-00184-AWI-EPG (PC)

ORDER DENYING PLAINTIFF’S
MOTION FOR APPOINTMENT OF
COUNSEL

(ECF No. 32)

Plaintiff Vincent Turner is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 12, 2020, Plaintiff filed a motion for appointment of pro bono counsel. (ECF No. 32.) Plaintiff asks for appointment of counsel because he is “really in need of a lawyer.” (*Id.*) Plaintiff also attaches a copy of a document he describes as his reading scores. (*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a constitutional right to appointed counsel in this action, *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), *withdrawn in part on other grounds*, 154 F.3d 952 (9th Cir. 1998), and the Court cannot require an attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1),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 § 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

1 “exceptional circumstances exist, the district court must evaluate both the likelihood of success
2 of the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the
3 complexity of the legal issues involved.” *Id.* (internal quotation marks and citations omitted).

4 The Court will not order appointment of pro bono counsel at this time. The Court has
5 reviewed the record in this case, and at this time the Court is unable to make a determination that
6 Plaintiff is likely to succeed on the merits of his claims. Moreover, it appears that Plaintiff can
7 adequately articulate his claims.

8 Plaintiff is advised that he is not precluded from renewing his motion for appointment of
9 pro bono counsel at a later stage of the proceedings.

10 For the foregoing reasons, IT IS ORDERED that Plaintiff’s motion for appointment of pro
11 bono counsel is DENIED without prejudice.

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13 IT IS SO ORDERED.

14 Dated: November 17, 2020

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

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