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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMOS RYLES,)	No. 2:08-cv-00074-SPK
)	
Plaintiff,)	
)	
v.)	
)	
T. FELKER, ET AL.,)	
)	
Defendants.)	

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff Amos Ryles is a state prisoner proceeding pro se. Plaintiff has filed a Motion for Appointment of Counsel [doc. 23]. In his request, he indicates among other reasons that the issues are complex, that the issues will require significant research and investigation, and that he has limited access to the knowledge of the law.

Plaintiff does not have a constitutional right to appointed counsel in this action. *See Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997). 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.

1 296, 298 (1989). However, in certain exceptional circumstances the court may
2 request the voluntary assistance of counsel pursuant to section 1915(e)(1). *Rand*,
3 113 F.3d at 1525. Without a reasonable method of securing and compensating
4 counsel, the court will seek volunteer counsel only in the most serious and
5 exceptional cases. In determining whether “exceptional circumstances exist, the
6 district court must evaluate both the likelihood of success of the merits [and] the
7 ability of the [plaintiff] to articulate his claims *pro se* in light of the complexity of
8 the legal issues involved.” *Id.* (internal quotation marks and citations omitted).

9 In the present case, the court does not find the required exceptional
10 circumstances. Even if it is assumed that plaintiff is not well versed in the law and
11 that he has made allegations which, if proved, would entitle him to relief, his case
12 is not exceptional. The Court has already dismissed the complaint for failure to
13 state a claim. Although the Court allowed Plaintiff a further opportunity to state a
14 claim, the case is not exceptional given the allegations of prior filings. Based on a
15 review of the record in this case, the court does not find that plaintiff cannot
16 adequately articulate his claims. *Id.*

17 Accordingly, Plaintiff’s Request for Appointment of counsel [doc. 23] is
18 DENIED.

19 IT IS SO ORDERED.

20 DATED: February 3, 2010.



Samuel P. King

Samuel P. King
Senior United States District Judge