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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLTON VAN SCOTT,

2:08-cv-2006-RCF (PC)

Plaintiff,

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

v.

GLEND A MOORE, et al.,

Defendants.

_____ /

On April 2, 2010, plaintiff Carlton Van Scott filed a motion seeking the appointment of counsel. (Docket No. 43.) Van Scott 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 him 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, 109 S. Ct. 1814, 1816 (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 the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved.” *Id.* (internal quotation marks and citations omitted).

1 In the present case, the Court does not find the required exceptional circumstances. Even if
2 it is assumed that Van Scott is not well versed in the law and that he has made serious allegations
3 which, if proved, would entitle him to relief, his case is not exceptional. Further, the Court finds that
4 Van Scott is not likely to succeed on the merits; and, based on a review of the record in this case, the
5 Court finds that plaintiff has been able to adequately articulate his claims. *Id.*

6 For the foregoing reasons, plaintiff's motion for the appointment of counsel (Docket No.
7 43) is HEREBY DENIED.

8 IT IS SO ORDERED.

9 **Dated: April 6, 2010**

/s/ Raymond C. Fisher
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

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