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

SHAWN CURTIS DONGES,

Plaintiff,

No. CIV S-09-0360 DAD P

vs.

DON PERETT, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se with a civil rights action, has filed a motion for reconsideration of the court’s order denying him appointment of counsel. The court has construed plaintiff’s motion as a renewed motion for appointment of counsel.

As the court previously advised plaintiff, the United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the district court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).

The test for exceptional circumstances requires the court to evaluate the plaintiff’s likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in

1 light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328,  
2 1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). In this case,  
3 notwithstanding plaintiff's alleged mental disorders, the court does not find the required  
4 exceptional circumstances to appoint him counsel.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's March 23, 2010 motion  
6 for reconsideration construed as a renewed motion for appointment of counsel (Doc. No. 29) is  
7 denied.

8 DATED: April 1, 2010.

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12 DALE A. DROZD  
13 UNITED STATES MAGISTRATE JUDGE

11 DAD:9  
12 dong0360.31(2)