

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ANTHONY AMMONS,

11 Plaintiff,

No. CIV S-10-0544 JAM DAD P

12 vs.

13 C. BAKEWELL, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se with a civil rights action, has
17 requested appointment of counsel.

18 The United States Supreme Court has ruled that district courts lack authority to
19 require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist.
20 Court, 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances, the district
21 court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell
22 v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36
23 (9th Cir. 1990).

24 The test for exceptional circumstances requires the court to evaluate the plaintiff's
25 likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in
26 light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328,

1 1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances that
2 are common to most prisoners, such as lack of legal education and limited law library access, do
3 not establish exceptional circumstances that would warrant a request for voluntary assistance of
4 counsel. In the present case, the court does not find the required exceptional circumstances.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's July 1, 2010 motion for
6 appointment of counsel (Doc. No. 21) is denied.

7 DATED: July 7, 2010.

8
9 
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE
12

13 DAD:md:sj
14 ammo0544.31
15
16
17
18
19
20
21
22
23
24
25
26