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

JON CHRIST,

Plaintiff,

No. 2:10-cv-760-EFB P

vs.

R. BLACKWELL, et al.,

Defendants.

ORDER

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Jon Christ, plaintiff, is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. The case is before the court pursuant to the parties' consent. ECF Nos. 4, 14, 74; 28 U.S.C. § 636; E.D. Cal. Local Rules, Appx. A, at (k)(1)-(2). Plaintiff has filed a motion requesting appointment of counsel. ECF No. 115.

District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298, 109 S. Ct. 1814, 104 L. Ed. 2d 318 (1989). In exceptional circumstances, the court may request an attorney to voluntarily to represent such a plaintiff. *See* 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). When determining whether "exceptional circumstances" exist, the court must consider the likelihood of

1 success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light  
2 of the complexity of the legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir.  
3 2009).

4 The court finds no exceptional circumstances warranting the appointment of counsel at  
5 this time, and plaintiff's motion (ECF No. 115) is therefore denied without prejudice.

6 So ordered.

7 Dated: September 26, 2013.



8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE

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