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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE B. ORTIZ,  
Plaintiff,  
v.  
J. REYNOLDS, et al.,  
Defendants.

No. 2:10-cv-1380-MCE-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He requests appointment of counsel and an extension of time to file his pretrial statement.

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 (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 success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). Having considered those factors, the court finds there are no exceptional circumstances in this case.

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The court will, however, grant plaintiff's request for an additional sixty (60) days in which to file his pretrial statement.

Accordingly, it is hereby ORDERED that:

1. Plaintiff's request for an extension of time (ECF No. 100) is granted and plaintiff has 60 days from the date this order is served to file his pretrial statement; and
2. Plaintiff request for appointment of counsel (ECF No. 99) is denied.

So ordered.

Dated: July 24, 2014.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE