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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONNIE E. BARRON,  
Plaintiff,  
v.  
M. MARTEL, et al.,  
Defendants.

No. 2:10-cv-1567 WBS DAD P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action, has requested the appointment of counsel.

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 light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances common to most prisoners, such as lack of legal education and limited law library access, do not

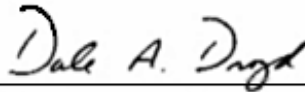
1 establish exceptional circumstances that would warrant a request for voluntary assistance of  
2 counsel. In the present case, the court does not find the required exceptional circumstances.

3 Plaintiff has also requested a sixty-day extension of time to file his opposition to  
4 defendants' motion for summary judgment pursuant to the court's order of April 2, 2014. Good  
5 cause appearing, the court will grant plaintiff's motion in part and allow him an additional thirty  
6 days to file his opposition to defendants' motion.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's motion for the appointment of counsel (Doc. No. 50) is denied;
- 9 2. Plaintiff's motion for an extension of time (Doc. No. 51) is granted in part;
- 10 3. Plaintiff is granted thirty days from the date of service of this order in which to file an  
11 opposition to defendants' motion for summary judgment. Defendants' reply, if any, shall be filed  
12 and served in accordance with Local Rule 230(1); and
- 13 4. The court's April 2, 2014 order to show cause is discharged.

14 Dated: April 29, 2014

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17 DALE A. DROZD  
18 UNITED STATES MAGISTRATE JUDGE

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