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

10 DENNIS GERALD CLAIBORNE,

11 Plaintiff,

No. 2:10-cv-2427 LKK EFB P

12 vs.

13 BLAUSER, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42  
17 U.S.C. § 1983. He requests that the court appoint counsel. District courts lack authority to  
18 require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States*  
19 *Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an  
20 attorney to voluntarily to represent such a plaintiff. *See* 28 U.S.C. § 1915(e)(1); *Terrell v.*  
21 *Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36  
22 (9th Cir. 1990). When determining whether “exceptional circumstances” exist, the court must  
23 consider the likelihood of success on the merits as well as the ability of the plaintiff to articulate  
24 his claims pro se in light of the complexity of the legal issues involved. *Palmer v. Valdez*, 560  
25 F.3d 965, 970 (9th Cir. 2009). Having considered those factors, the court finds there are no  
26 exceptional circumstances in this case.

1           Accordingly, IT IS HEREBY ORDERED that plaintiff's request for appointment of  
2 counsel, Dckt. No. 81, is denied.

3 DATED: April 29, 2013.

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5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE  
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