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

DENNIS G. CLAIBORNE,

Plaintiff,

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

vs.

BLAUSER, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He requests appointment of counsel and that certain prison officials be indicted and arrested. Dckt. No. 85

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).

1 Having considered those factors, the court finds there are no exceptional circumstances in this  
2 case.

3 Additionally, this court cannot grant plaintiff's request to indict and arrest prison  
4 officials, as this is a civil suit, and generally, criminal statutes do not create private rights of  
5 action. *See Allen v. Gold Country Casino*, 464 F.3d 1044, 1048 (9th Cir. 2006). Plaintiff fails to  
6 cite to any authority that would authorize his requested relief.

7 Accordingly, IT IS HEREBY ORDERED that plaintiff's May 20, 2013 motion (Dckt.  
8 No. 85) is denied.

9 DATED: June 3, 2013.

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EDMUND F. BRENNAN  
11 UNITED STATES MAGISTRATE JUDGE  
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